

# Exhibit 1A

Page 1

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2           UNITED STATES DISTRICT COURT  
3           SOUTHERN DISTRICT OF NEW YORK

4           -----X

5           SANDRA GUZMAN,

6

Plaintiff,

7           NO. 09 CIV. 9323 (BSJ) (RLE)

8           VS.

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10           NEWS CORPORATION, NYP  
11           HOLDINGS, INC., d/b/a THE  
12           NEW YORK POST, and COL ALLAN,  
13           in his official and individual  
14           Capacities,

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Defendants.

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17           -----X  
18  
19           VIDEOTAPED DEPOSITION  
20           OF  
21           SANDRA GUZMAN  
22           New York, New York  
23           Thursday, October 13, 2011  
24

25

Reported by:

AYLETTE GONZALEZ, CLR

JOB NO. 42950

<p style="text-align: right;">Page 98</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. Did I read them while I was in the  3           process? Some of them I have, yeah.  4           Q. And do they contain evidence of  5           sexual harassment?  6           A. I'm sorry, I don't recall if they  7           do.  8           Q. Did anybody besides you write in  9           these notebooks?  10           A. No.  11           Q. Have you ever shown them to anybody  12           besides giving them to your lawyer this  13           morning?  14           A. No.  15           Q. Have you ever shown them to your  16           lawyer before?  17           A. I discovered this morning I hadn't.  18           They were not part of the original.  19           Q. Have you ever read from them to  20           your lawyer?  21           A. Read from them?  22           Q. Yes.  23           A. To my lawyer, yes.  24           Q. And when did you do that?  25           A. This morning.</p>	<p style="text-align: right;">Page 99</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. In person or over the phone?  3           A. In person.  4           Q. Were you here or somewhere else?  5           A. I was here.  6           Q. Was it before or after the  7           beginning of your deposition?  8           A. It was after.  9           Q. And what was the material that you  10           read?  11           A. I read from the material. What I  12           read was about a guidance conference I was  13           going to speak at, and some of the remarks I  14           was going to give. And one of the passages  15           that I was going to talk to women about was  16           how to be -- that it's important to be  17           impeccable with your words because the  18           universe will respond in kind. I read some  19           meditations that I had been reciting.  20           Q. Have you ever made copies of these  21           books?  22           A. No.  23           Q. And you understand it's important  24           to be impeccable with your words at this  25           deposition; do you not?</p>
<p style="text-align: right;">Page 100</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. Here and anywhere.  3           Q. Yet, you changed your testimony  4           several times as you've been sitting here.  5           MR. THOMPSON: Objection.  6           A. How so?  7           Q. Do you think you've been impeccable  8           with your words at this deposition?  9           A. I have.  10           Q. You think that being asked if you  11           kept journals and answering no was being  12           impeccable with your words?  13           A. I answered no because I  14           misunderstood, in my mind, what the question  15           was.  16           As I said, I thought you meant the  17           traditional way of keeping journals and I  18           should have asked you can you please explain  19           what you mean.  20           Q. So, as I understand your testimony  21           a moment ago, you did review these notebooks  22           back in late 2009 when the Complaint in this  23           case was being drafted, correct?  24           A. Yes.  25           Q. And did you provide information to</p>	<p style="text-align: right;">Page 101</p> <p>1                   SANDRA GUZMAN-10/13/11  2           your lawyer that came from those notebooks in  3           connection with the drafting of the Complaint?  4           A. I don't remember. I know that I  5           provided my lawyer with a lot of information.  6           Some of it was from those notebooks and  7           other -- others were from my experiences that  8           I personally experienced.  9           Q. What is the information that came  10           from the notebooks that you supplied?  11           A. I don't recall. I don't recall.  12           Oh, wait a minute, I just  13           remembered there are -- these notebooks that I  14           jotted down that Col Allan was looking down at  15           demonstrators who were protesting a racist  16           monkey cartoon. And he told Ebony Clark and  17           Ebony Clark told me that the people who were  18           protesting outside were minorities and  19           uneducated anyway. So I recall that that  20           was -- now, I'm not sure if it's in those 13  21           notebooks or other notebooks that I gave to my  22           attorneys.  23           Q. Other than the 13 notebooks, how  24           many other notebooks did you give to your  25           attorneys?</p>

<p style="text-align: right;">Page 110</p> <p>1                   SANDRA GUZMAN-10/13/11    2           Q. And The Post publishes stories    3           about -- well, withdrawn.    4           The Post is a tabloid newspaper,    5           correct?    6           A. Yes.    7           Q. It publishes stories about crime,    8           right?    9           A. Yes.    10          Q. Celebrities?    11          A. Yes.    12          Q. News and business, right?    13          A. Yes.    14          Q. Some of the stories that it    15        publishes are stories that have -- can have    16        sensational aspects to them, correct?    17          A. Yes.    18          Q. And these were editorial meetings    19        to decide what to publish, what angles to    20        pursue about these stories, correct?    21          A. Yes.    22          Q. It was necessary for people to    23        express their ideas about the stories    24        candidly, correct?    25          A. Yes.</p>	<p style="text-align: right;">Page 111</p> <p>1                   SANDRA GUZMAN-10/13/11    2           Q. Do you know derogatory words for --    3           that have been used for Hispanic Americans?    4           A. Yes.    5           Q. Did you ever hear anybody called a    6           derogatory word that's used for Hispanic    7           Americans used during those editorial    8           meetings?    9           A. Yes.    10          Q. What did you hear?    11          A. So, for instance, there's a story    12        here.    13          MR. THOMPSON: Let the record    14        reflect the witness is talking about    15        Guzman Exhibit 7.    16          A. On Pedro Martinez who was a major    17        league pitcher, an ace pitcher. And he was --    18        they made -- the sports editor talked about    19        Pedro potentially getting surgery. And the    20        editor said if there are any crimes in New    21        York City, check them out, it might be Pedro;    22        referring to Pedro Martinez as a criminal.    23          Q. Well, I asked you if you were aware    24        of derogatory names for that had been used for    25        Hispanics.</p>
<p style="text-align: right;">Page 112</p> <p>1                   SANDRA GUZMAN-10/13/11    2          A. Well.    3          Q. I didn't hear that in your answer,    4        and I'm going to move to strike the answer.    5          MR. THOMPSON: Objection.    6          Q. My question is, for example, did    7        you ever hear the term "spic", S-P-I-C used in    8        these meetings?    9          A. No, I use -- when you equate a    10        major league baseball player to a criminal, if    11        the story had been about Andy Pettit.    12          Q. What page were you looking at?    13          A. I was looking at page 347. You    14        asked me if I heard the word, "spic". No.    15          Q. What is offensive to you about --    16          MR. THOMPSON: She wasn't    17        finished.    18          A. If you equate a Hispanic ballplayer    19        who's going to probably be inducted into the    20        Baseball Hall of Fame as a criminal, to me,    21        that is discrimination.    22          Q. Okay.    23          If that had been said about Andy    24        Pettit, as you just brought up a moment ago,    25        would that be discrimination against white</p>	<p style="text-align: right;">Page 113</p> <p>1                   SANDRA GUZMAN-10/13/11    2        males?    3          A. I would not have considered that    4        discrimination against white males.    5          Q. And if it had been said against --    6        if it would have been said about a person of    7        Chinese ancestry, would you consider that    8        discrimination against a Chinese person?    9          A. Yes. There's actually -- when you    10        mentioned Chinese, there's a reference to a --    11          Q. Ms. Guzman, the question is would    12        you have considered that discrimination    13        against a Chinese person.    14          A. Yes.    15          Q. You would have.    16          Is there -- did Mr. Allan, when he    17        made that remark, mention Pedro Martinez's    18        Latin American heritage?    19          A. No, but he's referring to Pedro    20        Martinez whose Latino, who is Dominican.    21          Q. So, the fact that Pedro Martin is    22        Latino, made you think that the comment by Col    23        Allan must have been made because he is    24        Latino?    25          A. Yes.</p>

<p style="text-align: right;">Page 114</p> <p>1                   SANDRA GUZMAN-10/13/11    2           Q. Just the fact that Pedro is Latino    3           makes you think that?    4           A. Yes. It wasn't the first time.    5           Q. What?    6           MR. THOMPSON: She's not finished.    7           A. It's not the first time he referred    8           to Pedro as a criminal at these morning    9           meetings.    10          Q. Well, maybe Mr. Allan thinks    11        Mr. Pedro Martinez has aspects of his public    12        personality that have -- that are -- that open    13        him up to that criticism.    14          A. Well, I think --    15          Q. Could that be true?    16          A. I think that I considered that a    17        discriminatory remark and it wasn't the first    18        time that Mr. Allan was referring to a major    19        league baseball player as a criminal.    20          On one occasion after I had secured    21        an exclusive interview with Mr. Martinez, he    22        asked me how it was. And I said it was great.    23        He said, did he have a machete or a gun. And    24        when you talk about machetes and switchblades    25        and Latinos, these are heavily charged,</p>	<p style="text-align: right;">Page 115</p> <p>1                   SANDRA GUZMAN-10/13/11    2           racially tinged discriminatory code words.    3           So, I thought it was discriminatory.    4           Q. Did you ever hear Mr. Allan say    5           this remark about any other Latino person?    6           I'm going to remind you, you're    7           under oath.    8           A. Have I ever heard Mr. Allan say any    9           other remark about any other Latino equating a    10          Latino to a criminal?    11          Q. Yes.    12          A. No, but he has said that all    13        Latinos look alike.    14          Q. The answer is no, you haven't heard    15        Mr. Allan equate any other Latino besides    16        Pedro Martinez to a criminal, right?    17          A. No.    18          Q. And did you know that a few -- a    19        couple of months before you published your    20        interview of Pedro Martinez, Pedro Martinez    21        famously told a reporter that he'd blow the    22        reporter's head off for his catcher Mike    23        Piazza?    24          Did you know that?    25          A. No.</p>
<p style="text-align: right;">Page 116</p> <p>1                   SANDRA GUZMAN-10/13/11    2           Q. Did understand -- did you know    3        Pedro Martinez was reported in that incident    4        to have made a hand gesture of a gun with a    5        trigger finger with his hand when he did that?    6        Did you know that?    7          A. No.    8          Q. You didn't know that was reported?    9          You interviewed Mr. Martinez two    10        months after that happened, and you didn't you    11        didn't -- you didn't Google Mr. Martinez and    12        see what was recently -- had recently been    13        written about him? No?    14          A. I'm sorry, what are you showing me?    15          Q. There's a question pending.    16          You didn't Google Mr. Martinez    17        before you interviewed him to see what had    18        been recently written about him?    19          A. I researched.    20          Q. Maybe your research would have    21        turned up Exhibit 11.    22          (Defendant's Guzman Exhibit 11,    23        New York Times article, dated    24        February 23, 2005, marked for    25        identification, as of this date.)</p>	<p style="text-align: right;">Page 117</p> <p>1                   SANDRA GUZMAN-10/13/11    2           Q. Can you take a look at that,    3           please.    4           MR. THOMPSON: Can you give us    5           extra copies for my associate?    6           Mr. Lerner, have you produced this    7           document to us? There's no Bates    8           number on it.    9           MR. LERNER: No, we haven't. It's    10          because we just found it on the    11          internet.    12          MR. THOMPSON: Okay. Take your    13          time and review it since they haven't    14          produced this document.    15          Let the record reflect that that    16        document Mr. Lerner has put before    17        Ms. Guzman is dated October 11, 2011.    18        He maintains he just found it on the    19        internet, but this document was    20        printed days ago.    21          Let the record reflect they have    22        not turned this over until 30 seconds    23        ago when they showed it to Ms. Guzman    24        for the very first time. And as her    25        attorney, we have never seen this</p>

<p style="text-align: right;">Page 130</p> <p>1                   SANDRA GUZMAN-10/13/11  2 with your head bowed like peasants made famous  3 by the artist, Diego Rivera? Did you write  4 that?</p> <p>5                   A. Yes.</p> <p>6                   Q. And that you have learned over time  7 to challenge those in positions of power when  8 you are not treated fairly?</p> <p>9                   A. Yes.</p> <p>10                  Q. And you believe that? You live by  11 that, right?</p> <p>12                  A. Yes.</p> <p>13                  Q. Do you recall making an allegation  14 that you saw a photograph of a naked man on  15 Col Allan's Blackberry on one occasion?</p> <p>16                  A. Yes.</p> <p>17                  Q. I'd like to show you some pages  18 that ran in The New York Post. They're Guzman  19 Exhibit 9, and they're NYP '574 through '576?  20                  (Defendant's Guzman Exhibit 9,  21                  document bearing Bates numbers NYP  22                  '574 through '576, marked for  23                  identification, as of this date.)</p> <p>24                  Q. Ms. Guzman, these are pages from  25                  The Post, Thursday, September 25, 2008. Have</p>	<p style="text-align: right;">Page 131</p> <p>1                   SANDRA GUZMAN-10/13/11  2 you had a chance to look at this?</p> <p>3                   A. Yes.</p> <p>4                   Q. Do you recall this story running in  5 The New York Post in 2008?</p> <p>6                   A. Yes.</p> <p>7                   Q. It's a story about a man who was  8 standing naked on a ledge acting in a mentally  9 imbalanced manner who was Tasered by the  10 police which -- and then fell to his death as  11 a result, right?</p> <p>12                  A. Yes.</p> <p>13                  Q. Is the photograph -- is one of the  14 photographs here in this story, the photograph  15 that you saw on Col Allan's Blackberry during  16 the incident that you described?</p> <p>17                  A. No.</p> <p>18                  Q. It's not?</p> <p>19                  A. No.</p> <p>20                  Q. What did you see on Col Allan's  21 Blackberry?</p> <p>22                  Let's back up. Can I have the  23 Complaint, please.</p> <p>24                  MR. KENNEDY: Exhibit 3?</p> <p>25                  Q. Ms. Guzman, is the man -- other</p>
<p style="text-align: right;">Page 132</p> <p>1                   SANDRA GUZMAN-10/13/11  2 than the fact the photograph is altered, is  3 the man, Iman Morales, who was the man who  4 died in this incident, was the picture you saw  5 on Col Allan's Blackberry a photograph of Iman  6 Morales?</p> <p>7                  A. No.</p> <p>8                  Q. If you could open up the Complaint  9 to paragraph 35 on page 8. Page -- paragraph  10 35 says that, "By way of example only, on one  11 occasion when Ms. Guzman and three female  12 employees of The Post were sharing drinks at  13 after work function, Defendant, Allan,  14 approached a group of women, pulled out his  15 Blackberry and asked what do you think of  16 this? On his Blackberry was a picture of a  17 naked man lewdly and openly displaying his  18 penis. Ms. Guzman, and the other female  19 employees expressed their shock and disgust at  20 being made to view the picture and Defendant,  21 Allan, just smirked."</p> <p>22                  Can you describe the photograph  23 that you're referring to in paragraph 35 of  24 the Complaint?</p> <p>25                  A. It's a photograph of a naked man --</p>	<p style="text-align: right;">Page 133</p> <p>1                   SANDRA GUZMAN-10/13/11  2 frontal naked man with his penis exposed and  3 it was a photograph that was on Governor  4 McGreevey's wall that was part of evidence in  5 his divorce proceedings.</p> <p>6                  And the photograph was -- I felt  7 offended by it and shocked and demeaned that  8 the editor of the newspaper, my boss, would  9 show me a naked picture of a man with his  10 genitalia exposed.</p> <p>11                  Q. Did you express shock to Mr. Allan  12 at that time?</p> <p>13                  A. Yes.</p> <p>14                  Q. How did you express shock?</p> <p>15                  A. I told him that that was creepy.</p> <p>16                  Q. And were you there at this occasion  17 with Danika Lowe, Lacey Brown and Kristin  18 Flemming?</p> <p>19                  A. Yes.</p> <p>20                  Q. Did Col Allan ever show you a  21 picture of Iman Morales, the man depicted in  22 Exhibit 9, on his Blackberry?</p> <p>23                  A. No.</p> <p>24                  Q. So, there was only one occasion  25 when Col Allan showed a photograph to you on</p>

<p style="text-align: right;">Page 134</p> <p>1                   SANDRA GUZMAN-10/13/11  2 his Blackberry of a naked man?  3                   A. Unprovoked? It was only one  4 occasion. It was unprovoked and I found it  5 demeaning. I found it disgusting that the  6 boss, the editor, for no apparent reason would  7 just flash out his Blackberry and show me a  8 photograph of a naked man.  9                   Q. Ms. Guzman --  10                  A. I'm sorry.  11                  Q. I'm trying to establish what  12 picture it is that you saw, so we're all  13 talking about the same thing.  14                  A. Okay. It wasn't Iman Morales.  15                  Q. Because have you reviewed the  16 Affidavit that was submitted by Danika Lowe in  17 this case?  18                  A. Yes.  19                  Q. And Ms. Lowe recalls being with you  20 when Mr. Allan showed a picture on his  21 Blackberry of Iman Morales, correct?  22                  A. She must be confused.  23                  Q. That's what she wrote in her  24 Affidavit, right?  25                  A. Yes.</p>	<p style="text-align: right;">Page 135</p> <p>1                   SANDRA GUZMAN-10/13/11  2                  Q. And in what way do you think she  3 must be confused?  4                  A. Maybe he has a habit of showing  5 female co-workers, his staffers, naked  6 pictures of men.  7                  Q. And is it possible that you're  8 confused that the photograph that you saw was  9 the photograph of Iman Morales?  10                 A. Absolutely not. Absolutely not.  11                 Q. Why didn't you say, in your  12 Affidavit, what the -- who the photograph --  13 what the source of the photograph was or in  14 your Complaint?  15                 A. I wasn't specific. I said that he  16 showed me a picture of a naked man. There are  17 a lot of specifics I didn't write in my  18 Federal Complaint.  19                 Q. And if Ms. Lowe has no recollection  20 of ever seeing a photograph, other than that  21 of Ms. -- of Mr. Morales on Col Allan's  22 Blackberry, you think the explanation is that  23 she must be confused?  24                 A. Or lying.  25                 Q. You understand that when she filled</p>
<p style="text-align: right;">Page 136</p> <p>1                   SANDRA GUZMAN-10/13/11  2 out and executed that Affidavit, she was not  3 an employee of The Post?  4                  A. She was there.  5                  Q. She was not an employee of The Post  6 at the time she executed her Affidavit?  7                  A. Right. She was not an employee at  8 The Post. I understand that. At the time she  9 was -- at the time that Mr. Allan showed me  10 the picture and Lacey Brown and Kristin  11 Flemming, Danika Lowe was an employee of The  12 New York Post. In fact, yeah.  13                  Q. And was -- and was Danika Lowe  14 present?  15                  A. Yes.  16                  Q. And Kristin Flemming was present?  17                  A. Yes.  18                  Q. And Lacey Brown was present?  19                  A. Yes.  20                  Q. And you were present?  21                  A. Yes.  22                  Q. And where did this take place?  23                  A. At a place called Lanigan's.  24                  Q. And how did -- and who else was  25 present besides the four women that you've</p>	<p style="text-align: right;">Page 137</p> <p>1                   SANDRA GUZMAN-10/13/11  2 just named, including yourself?  3                  A. In terms of who else was at this  4 restaurant/bar?  5                  Q. Yes.  6                  A. There were lots of other people,  7 but --  8                  Q. My question really is: Who was in  9 the conversation in which the image was  10 displayed on the Blackberry?  11                 A. Lacey Brown, Kristin Flemming,  12 Danika Lowe and myself.  13                 Q. And presumably Col Allan was there?  14                 A. Col Allan came in after we were  15 talking after work about stories -- after work  16 conversation. Lacey Brown was my photo editor  17 at one point, so we were catching up. And  18 Mr. Allan walked in, I don't know, an hour  19 later after we -- I really don't remember how  20 long after we were there. We were there  21 talking and he engaged us in conversation and  22 out of the blue, Mr. Allan pulled out his  23 Blackberry. So, those were the three other  24 women who were present with me.  25                 Q. And who did he show it to first?</p>

<p style="text-align: right;">Page 138</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. Me.  3                   Q. And what conversation had you had  4                   before he showed it to -- before he showed it  5                   to you?  6                   A. We were just talking about news of  7                   the day. We were talking -- I don't really  8                   remember. Maybe what would be the front page.  9                   He would often talk about a news story that  10                  was happening.  11                  Q. Was McGreevey's divorce news at the  12                  time?  13                  A. McGreevey's divorce was news at the  14                  time.  15                  Q. And the evidence that was coming  16                  out in connection with McGreevey's divorce was  17                  news as well, right?  18                  A. Yes.  19                  Q. And the picture that McGreevey had  20                  on the wall that became evidence in his case,  21                  that was news as well, right?  22                  A. Yes.  23                  Q. And did that picture run in The New  24                  York Post the next day?  25                  A. It ran. It was an exclusive for</p>	<p style="text-align: right;">Page 139</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   the weekend paper. So, if it did not run the  3                   next day, Friday, it must have run Saturday  4                   with his genitalia covered. It was a full  5                   page photograph that ran.  6                   Q. And Mr. Allan gets these photos on  7                   his Blackberry so he can make determinations  8                   about publication or purchase --  9                   MR. THOMPSON: Objection.  10                  Q. -- correct?  11                  A. I don't know why he gets naked  12                  photographs. I'm assuming that that -- I  13                  don't know why. I don't know why.  14                  Q. Did he ask you your opinion about  15                  the photograph?  16                  A. No, he just showed it to me and  17                  laughed and smirked.  18                  Q. Did you -- and you were -- and you  19                  were -- the conversation, you said, was about  20                  what the headline might be the next day?  21                  A. Um-hum.  22                  Q. Did the headline the next day  23                  relate to the McGreevey matter?  24                  A. No, not that I --  25                  Q. After he showed it to you, what did</p>
<p style="text-align: right;">Page 140</p> <p>1                   SANDRA GUZMAN-10/13/11  2                  he do with his Blackberry?  3                  A. I gave it back to him.  4                  Q. And then what happened?  5                  A. He gave it to his assistant,  6                  Kristin, who was on the other side of him.  7                  Q. Well, did you tell Kristin what the  8                  picture was of?  9                  A. I was shocked.  10                 Q. Did you tell Kristin what the  11                  picture was of?  12                 A. No, I was shocked. I was just  13                  like, that's creepy.  14                 Q. Well, if it offended you, didn't  15                  you think it might offend the other women in  16                  your group?  17                 A. You have to understand that this is  18                  shocking to me, that here is the editor in  19                  chief of a newspaper showing his female  20                  editors and writers a picture of a naked man.  21                  I didn't know where that was coming from. I  22                  was confused. I was -- I was shocked.  23                 Q. Ms. Guzman, you gave a gift of a  24                  sexual vibrator to a friend; did you not?  25                 A. What are you talking about?</p>	<p style="text-align: right;">Page 141</p> <p>1                   SANDRA GUZMAN-10/13/11  2                  Q. You've given a vibrator as a gift  3                  to a friend; did you not?  4                  A. I'm not sure what you're talking  5                  about.  6                  Q. I want to understand what is  7                  shocking about a photograph from a divorce  8                  case that displays a naked man to somebody who  9                  gives vibrators as gifts to their friends.  10                 A. First of all, I don't know what  11                  gift you're talking about, but if my boss --  12                  what happens between my friends is between  13                  friends; okay. It is my personal space  14                  between girlfriends.  15                  What happens in the workplace is  16                  something completely different. So, if I have  17                  my boss -- if I'm at a place having drinks and  18                  talking and eating with my co-workers, my  19                  female co-workers, and my boss comes to me and  20                  shows me unprovoked and unexpected and  21                  randomly, without telling me -- giving me a  22                  sense of what this picture is about, it's very  23                  different. It's very different.  24                 Q. You wrote publicly about you giving  25                  a vibrator as a gift?</p>

<p style="text-align: right;">Page 142</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. Are you referring to my book?  3           Q. Yes.  4           A. You're referring to the sexuality  5           chapter where I give women information on  6           sexual health?  7           Q. I'm referring to your public  8           description of the fact that you've given  9           vibrators as gifts.  10          A. I write about sexual health, and if  11          that's what you're referring to, yes.  12          Q. You were not so shocked that you  13          stopped your friend, Kristin Flemming, from  14          looking at the picture, right?  15          MR. THOMPSON: Objection.  16          A. Okay. So, this is the boss. This  17          is the editor in chief coming up to a group of  18          his female employees and whipping out a  19          Blackberry and asking us to view a picture of  20          a naked man.  21          Q. The question was; yes or no, you  22          didn't stop Kristin Flemming from looking at  23          it, right?  24          A. I didn't stop her.  25          Q. You didn't stop Danika Lowe?</p>	<p style="text-align: right;">Page 143</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. What I did was I gave him the  3           Blackberry back. He gave them the Blackberry.  4           He gave his assistant his Blackberry.  5           Q. But you did not warn them not to  6           look at the photo in the Blackberry, did you?  7           A. I did not.  8           Q. You didn't warn Danika or Lacey or  9           Kristin did you?  10          A. I did not.  11          Q. All right. That's because you were  12          not offended by it, right?  13          A. I was offended.  14          Q. It was a newsworthy photo that ran  15          in The New York Post and was part of the  16          evidence in a public and famous divorce case,  17          right?  18          A. The picture that he showed us was  19          not the picture that was printed in the paper.  20          He showed us his penis. He showed us the  21          man's genitalia. He didn't show us the photo  22          that would be published where his genitalia  23          was covered. Mr. Allan showed us a picture of  24          a naked man with his penis exposed. The  25          picture that ran as news, his penis was</p>
<p style="text-align: right;">Page 144</p> <p>1                   SANDRA GUZMAN-10/13/11  2          blocked out. That's not the picture he showed  3          us.  4          Q. Well, the picture that was on the  5          wall was the full picture, right?  6          A. Yes.  7          Q. And do your notes record this  8          incident?  9          A. I don't recall my notes recalling  10         this incident, no. I can't -- I can't tell  11         you for sure.  12          Q. Are you embarrassed by nudity,  13         Ms. Guzman?  14          A. I'm not really sure what you mean.  15          Q. Well, do you find nudity to be --  16         to make you uncomfortable?  17          A. Like is the question is it  18         important when I see it? I don't really --  19         can you rephrase it so I can understand and  20         answer you?  21          Q. Well, you're comfortable with  22         sexual topics, aren't you?  23          A. I'm comfortable talking about  24         sexual health.  25          Q. Did you -- did you bring this</p>	<p style="text-align: right;">Page 145</p> <p>1                   SANDRA GUZMAN-10/13/11  2          incident where Mr. Allan showed this  3          photograph to you to anybody else's attention  4          after it happened?  5          A. The day after, I told a member of  6          management what Mr. Allan had done.  7          Q. Who did you tell?  8          A. Paul Armstrong.  9          Q. Why did you select Mr. Armstrong to  10         tell?  11          A. He's part of management. He's part  12         of the executive team, and I trusted him to do  13         something about it.  14          Q. What did you ask him to do? What  15         did you say to him?  16          A. I said -- I told him -- I said  17         Paul, you're not going to believe what  18         Col Allan did last night. And I told him what  19         I've told you today. And Paul was just pretty  20         flabbergasted.  21          Q. And did you ask Mr. Armstrong to do  22         anything in particular?  23          A. I actually thought he would go to  24         HR or legal.  25          Q. Did you ask him to go to HR or</p>

<p style="text-align: right;">Page 146</p> <p>1                   SANDRA GUZMAN-10/13/11  2 legal?  3           A. No.  4           Q. You did not go to HR or legal  5 yourself?  6           A. Not right after. I did speak with  7 HR later and I made HR aware of this incident.  8           Q. Did you ever follow up with  9 Mr. Armstrong to ask him if he had done  10 anything with that information?  11          A. No.  12          Q. And you did not hear anything back  13 from him about it, did you?  14          A. No.  15          Q. What was Mr. Armstrong's position?  16 What was his title when you told him this  17 information?  18          A. At the time, he was maybe a VP of  19 quality control. I don't really know the  20 exact title, but he's in charge of making sure  21 that the paper is legible, that the pictures  22 are clear. So I don't know the exact title,  23 but he's part of the -- he was part of the  24 executive management team.  25          Q. And at the time you knew that</p>	<p style="text-align: right;">Page 147</p> <p>1                   SANDRA GUZMAN-10/13/11  2 Jennifer Jane was the VP of human resources,  3 right?  4           A. I'm not sure that Jennifer Jane was  5 working at the time.  6           Q. But you knew how to find human  7 resources, right?  8          A. Yes.  9          Q. Did you ever discuss this matter  10 with Lacey Brown, Kristin Flemming or  11 Danika Lowe after it happened?  12          A. Yes.  13          Q. And what did you discuss?  14          A. Same thing; girls, can you believe  15 that this happened. Actually, I never  16 discussed it with Kristin Flemming. I did  17 with Lacey and Danika Lowe. And I asked them,  18 can you believe this happened. Can you  19 believe it. Can you believe this behavior.  20          Q. And what did they say to you, if  21 you recall?  22          A. That's Col Allan. Shrug, that's  23 Col Allan.  24          Q. Did you ask them if they  25 complained?</p>
<p style="text-align: right;">Page 148</p> <p>1                   SANDRA GUZMAN-10/13/11  2          A. I didn't ask them if they  3 complained.  4          Q. Did you ask them to join your  5 complaint?  6          A. I didn't ask them to join my  7 complaint.  8          Q. And when is it your testimony that  9 this happened?  10         A. April of 2007.  11         Q. And other than saying to Mr. Allan,  12 that's creepy, did you say anything else to  13 Mr. Allan about this incident?  14         A. No.  15         Q. And other than what you told us you  16 said to Mr. Armstrong, did you say anything  17 else to Mr. Armstrong about it?  18         A. Did I say anything else besides  19 telling him what happened?  20         Q. Yes.  21         A. I told him how I felt as a woman.  22 I felt this was inappropriate behavior. That  23 this was offensive. That this was demeaning  24 and humiliating to me. I told him that I  25 didn't think this was okay.</p>	<p style="text-align: right;">Page 149</p> <p>1                   SANDRA GUZMAN-10/13/11  2          Q. What did Mr. Armstrong say?  3          A. He listened.  4          Q. And did you have -- other than the  5 fact that Mr. Armstrong had the position that  6 he had, was there any other reason why you  7 chose Mr. Armstrong? Did you have a certain  8 level of confidence with him?  9          A. I trusted him. He was a dignified  10 and upstanding member of the management team,  11 and I didn't know him to be a sexist or bigot.  12 I worked closely with him, so I felt confident  13 that I could share with him something like  14 that and that I hoped that he would be able to  15 do something about it.  16          Q. But you didn't ask him to do  17 anything about it, right?  18          A. No.  19          Q. And how did you expect him to know  20 that you -- without asking him to do something  21 about it, Ms. Guzman, how did you expect him  22 to know that you wanted him to take action on  23 your behalf?  24          A. Well, he's a member of the  25 management team. I assumed that he is very</p>

<p style="text-align: right;">Page 150</p> <p>1                   SANDRA GUZMAN-10/13/11  2 familiar with the rules of conduct. And I  3 actually thought that he would think it was so  4 outrageous that he wouldn't bat an eye to, at  5 least, report it as something that was  6 reportable.</p> <p>7                   Q. So, you just assumed that he would?  8                   A. Um-hum. And I hoped that he would.  9                   Q. And when there was no follow-up by  10 Mr. Armstrong or anybody else on this, you did  11 not go to the HR department, which was all  12 women, and pursue it there, correct?  13                   A. Not immediately.  14                   Q. Well, did you at some point?  15                   A. I did.  16                   Q. When was that?  17                   A. February of 2009.  18                   Q. After the publication of the  19 cartoon?  20                   A. After the publication of the racist  21 monkey cartoon.  22                   Q. Did you specifically describe the  23 incident that you've talked about here during  24 your discussions after the cartoon was  25 published?</p>	<p style="text-align: right;">Page 151</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. Jennifer Jane was in my office and  3 I made her aware of several sexist and  4 racially discriminatory incidents, and I did  5 tell her.  6                   Q. You told her about this incident  7 with the McGreevey photograph?  8                   A. I told her -- I'm sorry; please  9 finish.  10                  Q. You told also Jane about the  11 McGreevey photograph incident on Col Allan's  12 Blackberry after the publication of the  13 cartoon?  14                  A. I did.  15                  Q. You're sure?  16                  A. I'm positive that I told her that  17 Col Allan shows female workers pictures of  18 naked men.  19                  Q. That's what you said?  20                  A. Um-hum.  21                  MR. THOMPSON: You have to answer  22 verbally, just remember.  23                  A. Yes. Okay, yes.  24                  Q. And when you said that, this was  25 the incident we just discussed was the</p>
<p style="text-align: right;">Page 152</p> <p>1                   SANDRA GUZMAN-10/13/11  2 incident that you had in mind?  3                  A. I'm sorry?  4                  Q. When you said -- when you told her  5 that Col Allan shows females pictures of naked  6 men, it was the incident described in  7 paragraph 35 of your Complaint that you were  8 referring to, right?  9                  A. Yes.  10                 Q. And did you specifically give her  11 the facts of where the incident of paragraph  12 35 of your Complaint during that discussion?  13                 A. Not the specific facts of the date  14 and the photograph. I said -- I told her that  15 Col Allan had shown pictures of naked men. He  16 showed me a picture of a naked man.  17                 Q. Did you tell her anything else  18 about that?  19                 A. About that?  20                 Q. Yes.  21                 A. No. I don't recall telling her  22 anything else about that.  23                 Q. Did you ever put that complaint in  24 writing?  25                 A. No.</p>	<p style="text-align: right;">Page 153</p> <p>1                   SANDRA GUZMAN-10/13/11  2                  Q. So, that complaint was verbal?  3                  A. Yes.  4                  Q. And was that your first complaint  5 to human resources?  6                  A. My first complaint to human  7 resources?  8                  Q. Yes.  9                  A. I had complained to the diversity  10 members of the team of News Corp. diversity  11 office.  12                 Q. My question was: Was that your  13 first complaint to human resources?  14                 A. No, that was not my first complaint  15 to human resources.  16                 Q. What was your first complaint to  17 human resources?  18                 A. To Mitsy Wilson and to Rick  19 Ramirez, they're members of News Corp.'s  20 diversity team. And as I understood it, they  21 were part of the human resources because  22 they -- part of what they do is they recruit  23 people of color to work at the different News  24 Corp. companies.  25                 Q. What was -- okay. And when did you</p>

<p style="text-align: right;">Page 154</p> <p>1                   SANDRA GUZMAN-10/13/11  2 speak with Ms. Wilson and Mr. Rich Ramirez?  3                   A. I can't tell you the exact day, but  4 I can tell you that Rick and Mitsy would  5 travel often to New York. I was on a  6 committee with them and we would meet for  7 lunch and discuss many issues, and I remember  8 telling them.</p> <p>9                   Q. Telling them what? What was your  10 complaints to them?  11                   A. I told them -- I told them that  12 Col Allan was a sexist. And I told them that  13 Col Allan was racist and that I had personally  14 experienced discrimination and sexism in the  15 workplace. And I gave them the example of him  16 showing me a naked picture on his Blackberry.</p> <p>17                   Q. And you understood that they were  18 not employees of The New York Post, right?  19                   A. I understood they were employees of  20 News Corp.  21                   Q. It's a yes or no answer.  22                   MR. THOMPSON: I'm going to object  23 to the question. It calls for a legal  24 conclusion.  25                   You can answer.</p>	<p style="text-align: right;">Page 155</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. No, I didn't understand that they  3 were not employees of The New York Post.  4                   Q. Did you understand they were  5 employees of News Corp.?  6                   A. Yes.  7                   Q. News Corp.'s a different entity of  8 The New York Post?  9                   A. It's the umbrella.  10                   Q. And what committee were you on with  11 them?  12                   A. I was on the Hispanic diversity  13 committee.  14                   Q. So, you were always talking to them  15 about Hispanic issues in the workplace, right?  16                   A. We were always talk -- we were  17 talking about ways in which the company can  18 appeal to the fastest growing segment of the  19 American population. So, we would meet on a  20 regular basis to talk about what efforts were  21 being had at Fox television, at the -- just  22 the different subsidiaries under News Corp.  23 and ways to recruit more Hispanic and black  24 and Asian and women to the organizations.  25                   Q. You understood, though, that they</p>
<p style="text-align: right;">Page 156</p> <p>1                   SANDRA GUZMAN-10/13/11  2 didn't have HR responsibilities at New York  3 Post, right?  4                   A. I understood that they had.  5                   Q. Where were they based?  6                   A. In L.A.  7                   Q. So, they're in Los Angeles and come  8 to New York to talk to you about diversity in  9 the entire News Corp. organization?  10                   A. Yes.  11                   Q. And who else was on that committee?  12                   A. I can recall Gerald Acantar, Rick  13 Ramirez and Mitsy Wilson. And there were  14 representatives of different subsidiaries of  15 News Corp. Everyone from Paramount, from Fox  16 Searchlight to the marketing division that --  17 News America marketing that Paul Carlucci led.  18                   There were about 25 different  19 representatives on that committee. Mitsy  20 Wilson headed that committee and she was the  21 head of diversity for News Corp.  22                   Q. And did you ask Ms. Wilson or  23 Mr. Ramirez to take action on your behalf with  24 respect to your -- what you told her and what  25 you told them about Col Allan?</p>	<p style="text-align: right;">Page 157</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. No.  3                   Q. Did they tell you that they had  4 authority to take action at The New York Post  5 on behalf of your complaint?  6                   A. No, they didn't tell me.  7                   Q. And other than Mr. Allan was a  8 racist and a sexist, what else did you tell  9 them about Col Allan?  10                   A. That his behavior created a sense  11 in the newsroom that gave men the freedom to  12 treat women as sex objects.  13                   Q. Ms. Guzman, I'm asking you to  14 recall what you told Mitsy Wilson and Rick  15 Ramirez.  16                   A. Yes.  17                   Q. This is what you told them?  18                   A. You mean incidents?  19                   Q. I'm asking you what you told them.  20                   A. Right.  21                   Q. And this is what you told them?  22                   A. I told them that I think this  23 behavior kind of showed the whole newsroom was  24 sexist and racist.  25                   Q. Did you ever document this</p>

Page 158	Page 159
1                   SANDRA GUZMAN-10/13/11	1                   SANDRA GUZMAN-10/13/11
2 conversation with Ms. Wilson or Mr. Ramirez?	2                   A. I don't recall the exact.
3                   A. Document it, no.	3                   Q. What year?
4                   Q. Did you ever document it with	4                   A. Year? It's probably several months
5 news -- with New York Post HR?	5 later or a year later.
6                   A. Sexism? Did I document what	6                   Q. Later than what?
7 exactly?	7                   A. Than the incident happened. It was
8                   Q. Did you ever put any complaint of	8 later. So that if the incident happened in
9 this nature in writing?	9 the spring of 2007, it was whenever they
10                   A. Sexism or racism?	10 called or came to New York.
11                   Q. Either.	11                   Q. So, your best estimate is the
12                   A. Yes.	12 spring of 2008?
13                   Q. When?	13                   A. I can't -- I don't want to give you
14                   A. In February of 2009, I sent a	14 a date if I don't -- if I'm not sure and I
15 letter an internal letter responding to the	15 can't recall the date.
16 monkey cartoon, yes.	16                   Q. But it wasn't in close proximity to
17                   Q. Other than the monkey cartoon.	17 that event?
18                   A. Other than the monkey cartoon?	18                   A. I really --
19                   Q. Yes.	19                   MR. DATOO: Objection. What do
20                   A. No.	20 you mean by close proximity?
21                   Q. So, you had a conversation with	21                   Q. There was a -- you said there was
22 Mitsy Wilson and Rick Ramirez and you had a	22 about a year that went by after the McGreevey
23 conversation with Jennifer Jane. When was the	23 incident. Is that your best recollection
24 conversation with Mitsy Wilson and Rick	24 today?
25 Ramirez?	25                   A. I told you that I didn't want to
Page 160	Page 161
1                   SANDRA GUZMAN-10/13/11	1                   SANDRA GUZMAN-10/13/11
2 give you a date because I'm not really sure	2                   A. I complained about discrimination
3 exactly when or even the proximity of the	3 to Lisa Barnett.
4 date. I know I had a conversation with Mitsy	4                   Q. Is she a supervisor?
5 and I know I had a conversation with Rick and	5                   A. She's part of the -- she's not my
6 I know I told them about Col Allan's behavior.	6 supervisor. She works -- she's part of the
7                   Q. Was that the same conversation? In	7 management team as well. And she's been
8 other words, was the conversation with Rick	8 there -- she was working there when I worked
9 and Mitsy one conversation together or two	9 there, so I've known her for some time. And I
10 separate conversations?	10 also made another member of the executive
11                   A. Two separate conversations.	11 team, Dee Dee Brown, aware of the
12                   Q. And were they -- were they close	12 discrimination and sexism I was being
13 together in time?	13 subjected to.
14                   A. I don't remember the, you know, the	14                   Q. Did you ask them to pursue these
15 time span of when these conversations took	15 complaints on your behalf?
16 place. But they took place for sure after the	16                   A. I hoped.
17 incidents had happened.	17                   Q. But did you ask them to?
18                   Q. Are there any other times when you	18                   A. I did not ask them to. I hoped.
19 or -- withdrawn.	19                   Q. Is it fair to say, Ms. Guzman, that
20                   Other than your conversation with	20 these were just candid conversations with
21 Jennifer Jane after the publication of the	21 women that you considered colleagues in which
22 monkey cartoon, did you have any other	22 you expressed how you were feeling at the
23 conversations with anybody at the The Post in	23 time? Isn't that what that was?
24 which you pursued a Complaint of	24                   A. You haven't asked me about what
25 discrimination?	25 else I was telling them about what other

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1                   SANDRA GUZMAN-10/13/11 2 experiences, and if you do, I'll tell you. 3                   Q. Could you answer my question, 4 Ms. Guzman? 5                   A. Can you repeat the question? 6                   Q. These were conversations with 7 female colleagues in which you were exchanging 8 views these were not complaints you intended 9 to elevate to post management by virtue of 10 these conversations, correct? 11                  A. These were conversations I was 12 having with members of the executive team that 13 I hoped would do something about the sexual 14 harassment that I was experiencing at the 15 workplace. 16                  Q. You never went to Jennifer Jane, 17 the vice-president of human resources, whose 18 primary responsibility was to act upon these 19 complaints? 20                  MR. DATOO: Objection. She 21 testified. 22                  Q. Apart from your conversation of the 23 cartoon, right? 24                  A. I went to Jennifer Jane in February 25 2009.	1                   SANDRA GUZMAN-10/13/11 2                   Q. Actually, she went to you; is that 3 right? 4                   A. She came to my office. 5                   Q. Right, but you did not ask her to 6 come to your office. She came on her own, 7 correct? 8                   A. Yes. 9                   Q. We'll get back to that. 10                  A. Okay. 11                  Q. Is there a reason why you didn't 12 complain to human resources of The Post until 13 February 2009? 14                  A. I didn't feel comfortable 15 complaining to HR. 16                  Q. So, you complained to a bunch of 17 people that were not charged with the task of 18 dealing with employee's complaints, right? 19                  MR. DATOO: Objection. Assumes 20 facts not in evidence. 21                  MR. LERNER: You can make an 22 objection. That's it. 23                  MR. DATOO: When you're going to 24 mislead the witness -- 25                  MR. LERNER: You're not allowed
Page 164	Page 165
1                  - SANDRA GUZMAN-10/13/11 2 to -- 3                  MR. DATOO: You're taking the 4 deposition or? 5                  MR. LERNER: You're allowed to 6 object and that's it. 7                  MR. DATOO: Well, you're going to 8 mislead the witness. I'm going to 9 state the objection. 10                 MR. LERNER: No. You're 11 actually -- Shaffin, you're not 12 permitted to clarify or force me to 13 ask clearer questions. I'm entitled 14 to phrase the questions the way I 15 want. 16                 MR. DATOO: You're absolutely 17 right, but -- 18                 MR. LERNER: You're permitted to 19 object, and that's it. 20                 A. Could you please restate the 21 question? 22                 Q. Why weren't you comfortable going 23 to HR? 24                 A. I had experienced a co-worker who 25 went to HR and she complained about sexism and	1                  SANDRA GUZMAN-10/13/11 2 a few months later, she was no longer working 3 for the company. 4                  Q. Who was that? 5                  A. Poochie Meir. So I had a feeling 6 that I couldn't trust them. 7                  Q. Well, did you have some kind of 8 understanding, Ms. Guzman, that a complaint of 9 sexism, racism and discrimination actually 10 wouldn't get to HR? Is that what your 11 expectation was? 12                 A. I wanted it to get to HR. 13                 Q. But you thought that -- I'm trying 14 to understand what you're thinking was that 15 the Complaint would get to HR, but because you 16 didn't bring it to HR, somehow it would be 17 handled differently? 18                 A. I expected an investigation to take 19 place. I hoped an investigation would take 20 place. 21                 Q. But you didn't ask for an 22 investigation, right? 23                 A. I hoped for an investigation. 24                 Q. You did not ask for an 25 investigation?

<p style="text-align: right;">Page 166</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. I did not ask for an investigation.  3                   Q. I'm going to show you, Ms. Guzman,  4                   a document which is the called the Standards  5                   of Business Conduct marked Guzman 10.  6                   (Defendant's Guzman Exhibit 10,  7                   Standards of Business Conduct, marked  8                   for identification, as of this date.)  9                   MR. THOMPSON: I don't want you  10                  getting confused. Try to keep these  11                  in order.  12                  THE WITNESS: Okay.  13                  Q. Ms. Guzman, is this a document you  14                  had access to when you were an employee of The  15                  Post?  16                  A. Yes.  17                  Q. And these are the policies that  18                  were in effect at The Post while you were  19                  there?  20                  A. Yes.  21                  Q. Turn to page -- this is document  22                  Bates numbered NYP '58 through NYP '199.  23                  Could you turn to page NYP '69,  24                  please. And can you look at the last sentence  25                  on the page. It reads, "Accordingly,</p>	<p style="text-align: right;">Page 167</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   employees who feel a grief because of  3                   harassment and discrimination have an  4                   obligation to immediately notify a manager in  5                   the human resources department or an attorney  6                   in the legal department."  7                   Do you see that?  8                  A. Yes.  9                  Q. Did you do either of those things?  10                 A. No. In February of 2009, I  11                 complained to Jennifer Jane.  12                 Q. Prior to February of 2009, though,  13                 you didn't do either of those things, right?  14                 A. Right.  15                 Q. You have an allegation in your  16                 Complaint about an incident that occurred,  17                 allegedly, at a party that had dancing it is  18                 paragraph 37 of your Complaint.  19                 A. What page?  20                 Q. Page 9. Talking about Exhibit 3 of  21                 the Amended Complaint?  22                 A. What paragraph?  23                 Q. Paragraph 37.  24                 A. Okay.  25                 Q. After you look at that paragraph, I</p>
<p style="text-align: right;">Page 168</p> <p>1                   SANDRA GUZMAN-10/13/11  2                  have a few questions about it.  3                  A. Okay.  4                  Q. Did you personally see the dancing  5                  that you described in Paragraph 37?  6                  A. Did I personally --  7                  MR. THOMPSON: Objection.  8                  A. Rubbed his penis? Rubbed? There's  9                  no dancing here.  10                 Q. Fine. Did you personally see this  11                  occur?  12                 A. No.  13                 Q. Were you present at the location at  14                  that place on that night?  15                 A. I was present, yes.  16                 Q. And what is the source of your  17                  information and belief for the information  18                  that's contained in paragraph 37?  19                 A. The following day, the female in  20                  question came to my office and asked to speak  21                  with me privately. And we went into my office  22                  and she told me that, in a very distraught  23                  manner, that Mr. Col Allan rubbed his erect  24                  penis on her buttocks, and was making lewd  25                  remarks about how great her breasts looked</p>	<p style="text-align: right;">Page 169</p> <p>1                   SANDRA GUZMAN-10/13/11  2                  after she had lost weight. And she felt  3                  scared to be alone with him.  4                  Q. And who's the person?  5                 A. Her name is Nicole Fox, Nicky Fox.  6                  Q. Did you tell Ms. Fox that you  7                  thought that she had looked like she lost  8                  weight?  9                 A. Did I?  10                Q. Yes.  11                A. No. Mr. Allan told her how great  12                she looked since she lost weight. How great  13                her breasts looked since she looked -- since  14                she lost weight.  15                Q. In fact, you've commented to  16                Ms. Fox about her breasts, haven't you?  17                A. When?  18                Q. You've told Ms. Fox that you've  19                complimented her on her breasts, haven't you?  20                A. When?  21                Q. At any time.  22                A. I don't remember.  23                Q. You're under oath, Ms. Guzman.  24                Did you call her hot? Did you tell  25                her she was hot?</p>

<p style="text-align: right;">Page 174</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. Yes.  3           A. Exactly -- what year exactly, what  4           date?  5           Q. And who told you?  6           A. And exactly who told me, I cannot  7           tell you. I can tell you that this was common  8           knowledge in the newsroom.  9           Q. And were you ever assigned to work  10           in the newsroom?  11           A. Yes.  12           Q. When was that?  13           A. When I first began there.  14           Q. For how long?  15           A. I was stationed in the newsroom for  16           about six months, but I was always in the  17           newsroom. I hired reporters to write for my  18           different sections who worked in the newsroom.  19           I had to go up to the newsroom to talk to  20           photo because they're right in the middle of  21           the newsroom. I had --  22           Q. Ms. Guzman, I just asked when you  23           were assigned to work there.  24           A. I'm sorry, I was trying to describe  25           for you that I wasn't physically stationed,</p>	<p style="text-align: right;">Page 175</p> <p>1                   SANDRA GUZMAN-10/13/11  2           but that my job involved my visiting, very  3           often, throughout the day.  4           Q. I understand. I need you to answer  5           the question that I asked.  6           A. Okay. I'm sorry.  7           Q. Do you have any personal knowledge  8           of Mr. Allan going to Scores by personal  9           knowledge? I mean, did you ever see him at  10           Scores or have him tell you that he went to  11           Scores?  12           A. No.  13           Q. In your Complaint -- in your  14           Complaint, in paragraph 39, you describe a  15           remark by Col Allan in which he yelled at --  16           yelled at -- asking somebody he refers to as a  17           damn girl to answer his phone.  18           Can you take a look at paragraph  19           39, please.  20           A. Yes.  21           Q. How did you learn about this  22           incident?  23           A. Ebony Clark told me about the  24           incident.  25           Q. You weren't present for it, right?</p>
<p style="text-align: right;">Page 176</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. No.  3           Q. What did she tell you?  4           A. Exactly what it says here.  5           Q. Did you hear about it from anybody  6           else besides Ms. Clark?  7           A. No.  8           Q. Other than the statement that's  9           quoted on the bottom of page 9 of your Amended  10           Complaint, are you aware of any other  11           statement that Mr. Allan made during the  12           incident?  13           A. No.  14           MR. THOMPSON: Page 9.  15           A. Page 9, paragraph 39?  16           Q. Yes.  17           MR. THOMPSON: Paragraph 39 is not  18           on page 9, Mr. Lerner.  19           MR. LERNER: You may be in the  20           wrong document, Mr. Thompson. I'm in  21           the Amended Complaint.  22           MR. THOMPSON: Oh, you're right.  23           Q. Any other statement that you're  24           aware of besides the one that's on the bottom  25           of page 9?</p>	<p style="text-align: right;">Page 177</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. Regarding this paragraph?  3           Q. Yes.  4           A. No.  5           Q. Your Complaint contains allegations  6           that relate to an individual named Les  7           Goodstein; does it not?  8           A. Yes.  9           Q. And you're aware that in 2006, The  10           New York Post executive committee was  11           discussing closing down Tempo; are you not?  12           A. Maybe.  13           Q. In fact, the -- Paul Carlucci made  14           a decision to close Tempo in 2006; did he not?  15           A. I'm not really sure.  16           Q. Were you aware of that?  17           A. No. I don't remember closing down  18           of Tempo.  19           Q. Ms. Guzman, I'm going to show you  20           two documents, Exhibit Guzman 12 and Guzman  21           13. Guzman 12 is NYP '447 through '448 and  22           Guzman 13 is NYP '459 through '46 -- hold on.  23           Scratch that.  24           Guzman 13 is NYP 462.  25           A. This is 13?</p>

<p style="text-align: right;">Page 182</p> <p>1                   SANDRA GUZMAN-10/13/11  2 cancel Tempo?  3           A. No.  4           Q. Do you know why Tempo was not  5 canceled in 2006?  6           MR. THOMPSON: Objection.  7           A. I think that there's some people on  8 staff that really felt very passionate about  9 the section.  10          Q. And that was Les Goodstein, right?  11          A. Les Goodstein and Semi Hayman,  12 Patrick Judge on the sales side. These are  13 people who are in charge of selling Tempo.  14          Q. Do you know who's responsible for  15 convincing The Post not to cancel Tempo?  16          A. Who was responsible?  17          Q. Yes.  18          A. I don't.  19          Q. Do you know it was Mr. Goodstein?  20          A. You're telling me that it was.  21          Q. You didn't know that until now?  22          A. I don't recall. I do know he was  23 an advocate of the section.  24          Q. A passionate advocate of the  25 section, correct? Would you agree with that?</p>	<p style="text-align: right;">Page 183</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. I agree.  3           Q. Mr. Goodstein had experience  4 working at The Daily News targeting and  5 serving the Hispanic community, correct?  6           A. Yes.  7           Q. So, when he got involved with  8 Tempo, that experience was relevant to Tempo,  9 right?  10          A. To selling Tempo, yes.  11          Q. Did Mr. Goodstein complain to  12 Col Allan that you weren't working with him on  13 Tempo?  14          MR. THOMPSON: Objection.  15          A. I don't know what he complained to  16 Mr. Allan about.  17          Q. Did Col Allan call you in his  18 office to instruct you after Les Goodstein  19 started working on Tempo that you should try  20 to work with -- that you were to work with  21 Les?  22          A. He called me into his office and he  23 berated me, yes.  24          Q. And he told you that you needed to  25 work with Les, right?</p>
<p style="text-align: right;">Page 184</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. I needed to be nice with Les were  3 the words that I remember.  4           Q. And what did you say?  5           A. I didn't understand. I told him I  6 did not understand what he meant by being  7 nice. That's exactly what I told Mr. Allan.  8           Q. And do you know what prompted  9 Mr. Allan to call you in?  10          A. I suspected that it was because I  11 was complaining about Mr. Les Goodstein's  12 lascivious and disgusting behavior toward me.  13          Q. When had you done that?  14          A. When had I complained?  15          Q. Yes.  16          A. Immediately after Mr. Les Goodstein  17 and I had our initial meeting.  18          Q. And when was that?  19          A. So, if he arrived in 2006, it was  20 around 2006. If he arrived -- yeah, a few  21 months.  22          Q. Ms. Guzman, who did you complain to  23 in the middle of 2006 about Les Goodstein?  24          A. To Paul Armstrong, to Lisa Barnett  25 and to Dee Dee Brown.</p>	<p style="text-align: right;">Page 185</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. You did not complain to Paul  3 Armstrong about Les Goodstein in 2006, did  4 you, Ms. Guzman?  5           A. I did.  6           Q. What was your complaint?  7           A. On the first meeting when I first  8 met Mr. Les Goodstein, we met on the third  9 floor in the cafeteria and he introduced  10 himself. And we were having a conversation  11 about Tempo. And as soon as a woman would  12 walk by, Les Goodstein would follow that woman  13 and look at the woman's butt and breast and  14 body up and down. And then he would turn back  15 to me and he would say, I'm sorry, what was I  16 saying.  17          Mr. Goodstein licked his lips on a  18 number of occasions. The first meeting I had  19 with Mr. Goodstein, he displayed grotesque  20 behavior and I told Paul about it.  21          Q. And it's the behavior you just  22 described, correct?  23          A. That was one of many behaviors.  24          Q. Well, so, at the first meeting, he  25 looked at other women in the cafeteria; is</p>

<p style="text-align: right;">Page 186</p> <p>1                   SANDRA GUZMAN-10/13/11  2 that right?  3                   MR. THOMPSON: Objection.  4                   A. The first meeting, we would be  5 having a conversation just like you and I are  6 having a conversation, and if a woman would  7 walk by, he would take his eyes off me and  8 look at the women's butt and breasts and  9 follow them and then get back to the  10 conversation. The very first meeting. My  11 very first meeting with Mr. Les Goodstein on  12 the third floor.  13                   Q. And is that what you complained to  14 Mr. Armstrong about?  15                   A. That was one of the first things  16 that I complained about. I met with Mr.  17 Goodstein on many occasions after that, and  18 Mr. Goodstein -- there were other complaints  19 that I made about him.  20                   Q. To whom?  21                   A. To Paul.  22                   Q. How many times did you complain to  23 Paul?  24                   A. I can't tell you the exact number,  25 many times.</p>	<p style="text-align: right;">Page 187</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   Q. More than three?  3                   A. I cannot tell you. I can't guess.  4 I can tell you that there were many times.  5 Many, many times. Dozens of times.  6                   Q. You complained to Paul dozens of  7 times?  8                   A. Yes.  9                   Q. Did you ever go to HR to complain  10 about Mr. Goodstein while you were working  11 with him?  12                   A. I told you that in February of  13 2009, I spoke to Jennifer Jane about the  14 sexist behavior of some members of The New  15 York Post and News Corp. and --  16                   Q. How long did Mr. Goodstein and you  17 work together on Tempo?  18                   A. I can't tell you the exact -- how  19 many years, but a year and a half. A year and  20 a half.  21                   Q. So, from roughly June '06 until the  22 latter part of '07?  23                   A. I can't tell you specifics.  24                   Q. Your best recollection is a year  25 and a half?</p>
<p style="text-align: right;">Page 188</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. I cannot tell you specifics. I  3 don't -- I want to be right and I can't tell  4 you specifics.  5                   Q. And during that period of time that  6 you and Mr. Goodstein were working together on  7 Tempo, you did not go to HR to complain,  8 right?  9                   A. No.  10                  Q. But The Post EEO policy says that  11 you should go to HR or the legal department,  12 right?  13                  A. Yes.  14                  Q. And you did neither?  15                  A. No, not --  16                  Q. And --  17                  MR. THOMPSON: Are you finished?  18                  THE WITNESS: No, I wasn't  19 finished.  20                  MR. THOMPSON: Finish please.  21                  A. I complained to HR in 2009 when  22 Jennifer Jane and I met.  23                  Q. Okay, I understand. Thank you.  24                  A. Okay.  25                  Q. Did you tell Col Allan when he</p>	<p style="text-align: right;">Page 189</p> <p>1                   SANDRA GUZMAN-10/13/11  2 called you into his office to say that you  3 should work with Les, did you tell Col Allan  4 at that time that the reason you were not  5 working with Les was because of this conduct?  6                  MR. THOMPSON: Objection.  7                  A. I did not.  8                  Q. So, you did not bring this conduct  9 to Col Allan's attention during that  10 conversation, right?  11                  A. No.  12                  Q. You never told Col Allan directly  13 about this conduct, right?  14                  A. No.  15                  Q. Did Mr. Goodstein ever try to touch  16 you?  17                  A. No.  18                  Q. And you indicated that at some  19 point, he referred to you as a cha-cha -- as a  20 cha-cha girl or something like that?  21                  A. Yes, myself and a colleague were  22 both Latinas.  23                  Q. And did you let him know that you  24 did not appreciate that remark?  25                  A. Yes.</p>

<p style="text-align: center;">Page 190</p> <p>1                   SANDRA GUZMAN-10/13/11</p> <p>2     Q. And did he stop calling you 3     cha-cha?</p> <p>4     A. He stopped calling me cha-cha.</p> <p>5     Q. Did you ever tell him that you 6     prefer that he not look at other women in the 7     way you described when you were working with 8     him?</p> <p>9     A. No.</p> <p>10    Q. Do you know that Mr. Goodstein was 11    the only non-Hispanic, non-black person on the 12    National Board of Hispanic Federation?</p> <p>13    A. Yes. I didn't know he was the 14    only -- I knew he was on the board.</p> <p>15    Q. And he was given the leadership 16    award by the Hispanic Federation in May of 17    2009, right?</p> <p>18    A. Yes.</p> <p>19    Q. There was a dinner that honored 20    him?</p> <p>21    A. Yes.</p> <p>22    Q. And you went to that dinner?</p> <p>23    A. Yes.</p> <p>24    Q. Did you meet his wife?</p> <p>25    A. Yes.</p>	<p style="text-align: center;">Page 191</p> <p>1                   SANDRA GUZMAN-10/13/11</p> <p>2     Q. Did you tell his wife that he was a 3     great guy?</p> <p>4     A. I don't remember saying that. I 5     didn't even know he was married.</p> <p>6     Q. Isn't it true that you told Les 7     that you thought that their sons should get 8     together?</p> <p>9     A. Yes.</p> <p>10    Q. And did they -- did Les' son and 11    your son get together socially?</p> <p>12    A. Never.</p> <p>13    Q. You indicated that he told you that 14    you on some occasion or occasions that you 15    looked sexy or beautiful, right? Is that 16    something he said to you?</p> <p>17    A. He frequently commented on what I 18    wore and my shoes and how sexy they were and 19    how beautiful my dress was and how beautiful I 20    looked.</p> <p>21    Q. Did you tell him -- did you tell 22    him that you didn't want him to say that?</p> <p>23    A. I told him if you want to borrow 24    my shoes, you can.</p> <p>25    Q. So, you made a joke about it?</p>
<p style="text-align: center;">Page 192</p> <p>1                   SANDRA GUZMAN-10/13/11</p> <p>2     A. I wanted him to stop.</p> <p>3     Q. But you didn't tell him to stop?</p> <p>4     A. No.</p> <p>5     Q. You made a joke about it?</p> <p>6     A. I wanted him to stop.</p> <p>7     Q. But you made a joke about it?</p> <p>8     A. I made a comment about it.</p> <p>9     Q. Did anybody else hear Mr. Goodstein 10    say that you looked sexy or beautiful?</p> <p>11    A. Yes.</p> <p>12    Q. Who?</p> <p>13    A. Semi Hayman Morerro.</p> <p>14    Q. And you've told colleagues that you 15    think they look sexy or beautiful; have you 16    not?</p> <p>17    A. It depends on the context. I 18    can't --</p> <p>19    Q. It's a yes or no. You told people 20    that?</p> <p>21    A. I can't tell you. I don't know if 22    it's a yes or no answer. It's such an 23    open-ended question. I may have.</p> <p>24    Q. Well --</p> <p>25    A. It's hard for me to answer that yes</p>	<p style="text-align: center;">Page 193</p> <p>1                   SANDRA GUZMAN-10/13/11</p> <p>2     or no if you don't give me names and if you 3     don't give me context. I'm happy to answer 4     that question for you.</p> <p>5     Q. And you knew based on the fact that 6     he stopped calling you cha-cha when you let it 7     be known to him that you didn't like that, you 8     knew he'd stop doing something if you asked 9     him, right?</p> <p>10    A. I knew he stopped calling me 11    cha-cha after he was told not to.</p> <p>12    Q. So, why did you not tell him to 13    stop remarking that you looked sexy or 14    beautiful?</p> <p>15    A. What I instead tried to do was 16    limit our meetings.</p> <p>17    Q. And did you, in fact, limit the 18    meetings?</p> <p>19    A. I met with him when I had to meet 20    with him.</p> <p>21    Q. And how often was that during the 22    year 2007?</p> <p>23    A. So, if Tempo was coming out on a 24    monthly basis, we would meet once a month.</p> <p>25    Q. And where was his office?</p>

<p style="text-align: right;">Page 198</p> <p>1                   SANDRA GUZMAN-10/13/11 2 time. 3                   If Ms. Guzman needs water, wants 4 to take a break, there was no question 5 pending. You were talking to your 6 colleagues. 7                   MR. LERNER: If the issue, 8 Mr. Thompson, is not did you interrupt 9 the flow of the deposition. The 10 question is did you have an improper 11 communication with Ms. Guzman about 12 the subject matter of her testimony 13 during the testimony and the record is 14 clear that you did. 15                   MR. THOMPSON: It is not clear. 16 BY MR. LERNER: 17                   Q. The clarification that you just 18 made, Ms. Guzman, when you came back on the 19 record and said you wanted to make a 20 clarification, was that something that you 21 discussed during the break with Counsel? 22                   MR. THOMPSON: Objection. Don't 23 disclose what you talked to Counsel 24 about during the break. 25                   Q. Was your clarification a matter of</p>	<p style="text-align: right;">Page 199</p> <p>1                   SANDRA GUZMAN-10/13/11 2 your discussion with Counsel? 3                   A. I've been instructed by my attorney 4 not to answer your question. 5                   Q. Ms. Guzman, could you look at 6 paragraph 41 of your Amended Complaint, 7 please. 8                   A. This is the Amended Complaint? 9                   MR. THOMPSON: Yes. 10                   A. What page? 11                   Q. Page 10. 12                   A. Yes. 13                   Q. Paragraph 41, you stated, 14 "Mr. Goodstein also routinely stared at the 15 breasts and butt of other female employees in 16 Ms. Guzman's presence and often licked his 17 lips while doing so." 18                   Do you see that? 19                   A. I do, yes. 20                   Q. Nowhere in your Complaint do you 21 state that Mr. Goodstein looked at your body 22 in a lascivious way, correct? 23                   A. He would repeatedly look at me and 24 tell me that I look sexy and beautiful. 25                   Q. No, but --</p>
<p style="text-align: right;">Page 200</p> <p>1                   SANDRA GUZMAN-10/13/11 2                   A. In paragraph 40. 3                   Q. You're not reading from your 4 Complaint though, correct? 5                   A. I'm telling you that that's what he 6 did and to be able to say -- 7                   Q. That's not what your complaint 8 says -- 9                   MR. THOMPSON: Objection. 10                   Q. -- right? 11                   A. Okay. 12                   Q. Your Complaint says that, "Les 13 Goodstein, senior vice-president, repeatedly 14 told Ms. Guzman that she looked sexy and 15 beautiful." 16                   You did not state, in your 17 Complaint that he looked at you and told you 18 that you looked sexy and beautiful, right? 19                   A. He looked at me and told me that I 20 looked sexy and beautiful. 21                   Q. To be clear, you're not reading 22 from the Complaint now, right? 23                   A. I'm just telling you if we're 24 looking at the Complaint in paragraph 40, it's 25 very clear that he looked at me and he said --</p>	<p style="text-align: right;">Page 201</p> <p>1                   SANDRA GUZMAN-10/13/11 2 looking at me, he said I looked sexy and 3 beautiful. 4                   Q. Well, you came into the deposition 5 room a moment ago with a clarification where 6 you added something and what you added was 7 that he would often stare at my breasts and 8 body parts and comment on how sexy I looked. 9                   A. Right. 10                   Q. Staring at your breasts and body 11 parts is not an allegation you made in your 12 Complaint, right? 13                   A. When he looked at me and said I was 14 sexy and beautiful, he was staring at my body 15 parts. 16                   Q. But you didn't say in your 17 Complaint that he stared at you right? 18                   A. I didn't specifically state it. 19                   Q. And when you were working with 20 Mr. Goodstein on Tempo, Joe Robinowitz was 21 your supervisor; is that accurate? 22                   A. I believe so. 23                   Q. What was Mr. Goodstein's role on 24 Tempo when you were working together? 25                   A. He was supervising the sales</p>

<p style="text-align: right;">Page 202</p> <p>1                   SANDRA GUZMAN-10/13/11  2 portion of the section.  3           Q. Did he supervise editorial?  4           A. No.  5           Q. You were responsible for editorial?  6           A. Yes.  7           Q. And your supervisor from editorial  8 standpoint was always Joe Robinowitz at that  9 time, right?  10          A. What year was that?  11          Q. In '06, '07.  12          A. I believe it was Joe Robinowitz.  13          Q. Were you ever looking to leave The  14 New York Post while you were an employee  15 there?  16          A. I may have.  17          Q. Well, I'm not asking you to guess.  18 I'm asking you what your -- what the facts  19 are. Did you ever look for a job to leave The  20 New York Post while you were employed there?  21          A. I don't remember that, that I  22 actively looked for a job.  23          Q. And when you went to the dinner  24 that honored Les Goodstein, you were -- was he  25 still working on Tempo at the time?</p>	<p style="text-align: right;">Page 203</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. I don't remember.  3           Q. Were you required to go to that  4 dinner?  5           A. Yeah, I was. It was a News Corp.  6 event. And they gave away tickets as it was a  7 Hispanic event and the editor of Hispanic  8 section, one of the many sections that I  9 edited, they asked me to go.  10          Q. An editor of what?  11          A. One of the Hispanic sections. It  12 was a Hispanic organization that was having a  13 celebration.  14          Q. So, it wasn't a News Corp. event,  15 right?  16          A. He gave money as I understand it as  17 a representative of News Corp. corporation,  18 not as New York Post.  19          Q. The National Hispanic Federation is  20 not a News Corp. organization, is it?  21          A. It's not. It's a Hispanic  22 organization that News Corp. gave money to  23 through Les Goodstein.  24          Q. Do you recall that event being in  25 May of 2009?</p>
<p style="text-align: right;">Page 204</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. Maybe, I'm not really sure.  3           Q. Guzman Exhibit 14 is NYP '792.  4           (Defendant's Guzman Exhibit 14,  5 document bearing Bates numbers NYP  6 '792, marked for identification, as of  7 this date.)  8           Q. Ms. Guzman, I'm going to tell you  9 that this is a document from your calendar  10 which you don't have to accept. That's just  11 my representation.  12          But does this refresh your  13 recollection as to when that event was?  14          A. Yes.  15          Q. So, was it May of 2009?  16          A. Yes.  17          Q. And was Les Goodstein finished  18 working on Tempo by May of 2009?  19          A. I believe so.  20          Q. Could you have elected not to  21 attend that event?  22          A. Yes.  23          Q. Were you -- when you went, were you  24 proud that Les Goodstein, a News Corp.  25 affiliated person, was being honored by the</p>	<p style="text-align: right;">Page 205</p> <p>1                   SANDRA GUZMAN-10/13/11  2 National Hispanic Federation?  3           A. Proud?  4           Q. Yes.  5           A. I don't know if I would say proud.  6           Q. How did you feel about it?  7           A. I was happy that a great Hispanic  8 organization that helps the impoverished and  9 the needy was receiving monies to do their  10 work.  11          Q. How did you feel about Les  12 Goodstein being honored that night?  13          A. Kind of surprised.  14          Q. But did you think that he didn't  15 warrant being honored by the Hispanic  16 Federation?  17          A. No, if I --  18          Q. If you'd known he was responsible  19 for saving Tempo from closure in 2006, would  20 that have changed your mind?  21          MR. THOMPSON: Objection.  22          A. This man sexually harassed me every  23 opportunity he got and he did it on repeated  24 occasions and helping save Tempo didn't give  25 him the right to do that to me.</p>

<p style="text-align: center;">Page 206</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. Ms. Guzman, my question was if  3           you'd known he was responsible for saving  4           Tempo from closure in 2006, would that have  5           changed your mind about him being honored?  6           MR. THOMPSON: Objection.  7           A. It's my opinion, no.  8           Q. And to be clear, the sexual  9           harassment by Les Goodstein that you're  10           referring to is the way he looked at you and  11           the way he looked at other women and his  12           calling you sexy and beautiful?  13           A. And commenting on my shoes and on  14           my body, on my body.  15           Q. Okay.  16           Conduct that you never asked him to  17           stop doing, right?  18           A. I was afraid to ask him to stop  19           doing it.  20           Q. So, you didn't ask him to stop,  21           right?  22           A. No.  23           Q. Did you know somebody named Michael  24           Ridell?  25           A. Yes.</p>	<p style="text-align: center;">Page 207</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. He's The New York Post Broadway  3           critic?  4           A. Yes.  5           Q. Would you consider him a likeable  6           person?  7           A. Yes.  8           Q. Would you consider him your friend?  9           A. No.  10           Q. Well, is he someone you're  11           comfortable asking a favor of?  12           A. I'm not sure what do you mean by  13           favor.  14           Q. You asked to speak to him about a  15           friend of yours who was an actress as to  16           whether or not he could help her when a  17           production West Side Story was being cast,  18           didn't you?  19           A. No.  20           Q. Please take a look at Guzman  21           Exhibit 15.  22           This is an e-mail Bates number NYP  23           '1781.  24           (Defendant's Guzman Exhibit 15,  25           document bearing Bates number NYP</p>
<p style="text-align: center;">Page 208</p> <p>1                   SANDRA GUZMAN-10/13/11  2           '1781, marked for identification, as  3           of this date.)  4           MR. THOMPSON: Could you give him  5           another copy?  6           Q. Ms. Guzman, is this an e-mail that  7           you sent to Michael Ridell on October 2008?  8           A. Yes.  9           Q. And did you say "PS, do you know  10           whose casting the show? My friend, the  11           actress that I mentioned to you, is  12           interested"?  13           A. Yes.  14           Q. And you told him that you wanted to  15           chat about West Side Story, right?  16           A. Yes.  17           Q. So, you were comfortable talking to  18           him; were you not?  19           A. I was comfortable talking to him.  20           Q. And you were comfortable asking him  21           about who was casting West Side Story, right?  22           A. Yes.  23           Q. Did you ever call him baby in the  24           office?  25           A. I'm not sure I called him baby.</p>	<p style="text-align: center;">Page 209</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. You're here to be deposed about  3           this case and you're going to need to state  4           your recollection as to whether or not you --  5           A. I understand.  6           Q. -- you called him baby?  7           MR. THOMPSON: Objection.  8           A. And I'm telling you that I'm not  9           sure if I called him baby.  10           Q. Ms. Guzman, it is not -- it is not  11           avoiding lying under oath by saying you don't  12           recall something --  13           MR. THOMPSON: Objection.  14           Q. That you don't want to give the  15           answer to.  16           MR. THOMPSON: Objection.  17           Q. If you did something and you say --  18           and you know it and you say that you don't  19           remember, that's lying, Ms. Guzman.  20           MR. THOMPSON: Objection.  21           A. If I would recall having called him  22           babe, I would tell you yes, but because I  23           don't recall, I can't tell you yes. And  24           that's an honest answer.  25           Q. Were you friendly with him in the</p>

Page 210		Page 211	
1	SANDRA GUZMAN-10/13/11	1	SANDRA GUZMAN-10/13/11
2	office?	2	Q. Did he sing other songs in the
3	A. Yes.	3	office besides songs from West Side Story?
4	Q. Did you consider him somebody that	4	A. The only tunes he sang were from
5	harassed you?	5	West Side Story, and he did it in a Spanish
6	A. Yes.	6	accent.
7	Q. And that harassment stemmed from	7	Q. You never heard him sing from other
8	his singing a song from West Side Story; is	8	musicals in the office, Ms. Guzman?
9	that correct?	9	A. Not to me.
10	A. He sang in a Spanish accent, "I	10	Q. Not to you, but what about to
11	want to live in America" every time he would	11	himself or to other people. You never heard
12	walk past my office or into my office.	12	him sing another song from another musical?
13	Q. And you consider that racial	13	MR. THOMPSON: You have to answer
14	harassment, Ms. Guzman?	14	verbally.
15	A. Yes.	15	A. No.
16	Q. From the Broadway critic, from The	16	Q. Isn't it a fact that he would sing
17	New York Post, right?	17	songs from lots of Broadway musicals?
18	A. Was he singing that to other	18	A. Not to me.
19	people?	19	Q. Where was he when he was singing
20	Q. Ms. Guzman, you don't get to ask	20	songs from West Side Story?
21	questions.	21	A. On the ninth floor in front of my
22	MR. THOMPSON: She was explaining	22	office or inside my office, as he was walking
23	her answer, Mr. Lerner. You don't get	23	into my office.
24	to cut her off in the middle of an	24	Q. Did you and he talk about how much
25	answer.	25	you both liked West Side Story?
Page 212		Page 213	
1	SANDRA GUZMAN-10/13/11	1	SANDRA GUZMAN-10/13/11
2	A. He talked about how much he liked	2	heavy -- much more heavy used Spanish than
3	West Side Story. I'm not such a big fan of	3	prior productions of West Side Story? Did you
4	West Side Story.	4	know that?
5	Q. And did you think, Ms. Guzman, when	5	A. Yes.
6	he was doing this that Michael Ridell was	6	Q. And the actors and actresses spoke
7	doing this to harass you in a racially	7	their lines with Spanish accent?
8	harassing way, in a hateful way?	8	A. In the original version they did.
9	A. Yes.	9	Q. And in the current production of
10	MR. THOMPSON: Objection.	10	West Side Story that was current at that time,
11	Q. You believe that Mr. Ridell hated	11	they did as well; did they not?
12	you because you were Hispanic?	12	A. I did not see it.
13	MR. THOMPSON: Objection.	13	Q. But wasn't that sort of a famously
14	A. I think he was making fun of my	14	talked about, about this particular
15	people and he didn't sing any Jewish tunes.	15	production, that it heavily emphasized the
16	He didn't sing any other tunes to me. So, he	16	Spanish language?
17	wasn't expressing his knowledge of all these	7	MR. THOMPSON: Objection.
18	Broadway tunes. Why was he specifically	8	A. West Side Story is famously racist
19	singing to me in the Spanish accent, the tunes	9	and stereotypical of Puerto Ricans.
20	of West Side Story?	20	Q. Did you tell Mr. Ridell that you
21	Q. Well, did you know that West Side	21	believed that?
22	Story -- that the production of West Side	22	A. Yes.
23	Story that was most recently brought on	23	Q. What did you say to him?
24	Broadway was a production that utilized	24	A. I said, do you realize how racist
25	Spanish speaking actors and was much more	25	West Side Story is.

<p style="text-align: center;">Page 214</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. And when did you say that?  3           A. When he would sing these songs.  4           Q. Did you ask him to stop singing  5           these songs?  6           A. I did not.  7           Q. And did you think he was -- did he  8           seem happy when he was singing these songs?  9            MR. THOMPSON: Objection.  10          A. I don't know.  11          Q. I mean, was he in a good mood when  12           he was singing them or was he in a bad mood  13           when he was singing them?  14          MR. THOMPSON: Objection.  15          A. I don't know.  16          Q. What was your impression of him?  17          A. That he was making fun of my  18           culture. That he was making fun of my people.  19          Q. Why; why?  20          MR. THOMPSON: Objection. She's  21           not finished answering. You must let  22           her answer. Please don't interrupt  23           her. Are you finished, Ms. Guzman?  24          THE WITNESS: No.  25          MR. THOMPSON: Please continue.</p>	<p style="text-align: center;">Page 215</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. When you choose one of the racially  3           controversial Broadway musicals in the history  4           of Broadway where Puerto Ricans are portrayed  5           as criminals. Where they speak -- where they  6           show switchblades, okay, and it's the only  7           Broadway show, and the only Broadway tune that  8           you choose to sing to the only Hispanic female  9           editor every time you approach her, I  10           thought -- I thought this man is making fun of  11           my people. I thought this is discriminatory.  12          Q. How many times did he do it?  13          A. Many, many times?  14          Q. How many?  15          A. Many, many times.  16          Q. How many?  17          A. I'm not going to give you a number  18           because he did it many, many, many times.  19          Q. And other than the fact that he did  20           it many times, what makes you think that he  21           was doing it to make fun of you?  22          A. Because he did not choose any other  23           Broadway musical to sing to me. The only  24           musical that he sang to me -- the only song he  25           kept singing to me was "How I Want To Live in</p>
<p style="text-align: center;">Page 216</p> <p>1                   SANDRA GUZMAN-10/13/11  2           America". And he sang it with a stupid  3           Spanish accent.  4           Q. Well, isn't that -- isn't that  5           accent, the accent that was used by the  6           actresses that sang that song in the Broadway  7           production that was cast at this time?  8           A. We're talking about the way he was  9           singing. It was the way the original  10           version -- I did not see the -- I don't  11           remember seeing the new musical, the new --  12          Q. Go ahead.  13          A. The new musical. I was offended  14           that every time Michael went into my office  15           that's the song that he chose to sing to me in  16           a Spanish accent. He never chose to sing a  17           song from Phantom of the Opera. He never  18           chose to sing a song from Wicket or Rent.  19           Why did he choose to sing "I Want  20           To Live In America" where, you know, on this  21           Broadway show, Puerto Ricans are depicted in  22           such a negative light.  23           Q. Perhaps because it's one of the  24           famous tunes to come out of Broadway.  25          A. I don't know. I felt it was</p>	<p style="text-align: center;">Page 217</p> <p>1                   SANDRA GUZMAN-10/13/11  2           racist.  3           Q. Ms. Guzman, you never saw "I Want  4           To Live In America" performed by the cast of  5           West Side Story in the last few years?  6           A. I don't remember if I saw -- I may  7           have seen -- I don't really remember if I saw  8           the original version. Maybe I have seen it.  9           Q. Isn't it --  10          A. Yeah.  11          Q. You were the editor of the  12           Thanksgiving parade issue -- the last  13           Thanksgiving parade issue before you left The  14           Post; were you not?  15          A. I believe so.  16          Q. Was "I Want To Live In America"  17           performed by the cast of West Side Story  18           during the Thanksgiving Day parade? Did you  19           see that?  20          A. The performance? Did I see the  21           performance?  22          Q. Yes.  23          A. Of the West Side Story?  24          Q. Of "I Want To Live In America" by  25           the cast of West Side Story?</p>

<p style="text-align: right;">Page 218</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. I didn't go to the parade.  3           Q. Did you watch it on television?  4           A. Probably not. I was probably  5           cooking.  6           Q. Aren't you a fan of Chita Rivera's  7           performance in the original Broadway  8           production?  9           A. I'm a fan of Chita Rivera in  10           general.  11           Q. Isn't she famously known for her  12           performance in the role of singing "I Want To  13           Live In America"?"  14           A. It's not one of my favorite roles  15           that she did.  16           Q. Has Mr. Riedel ever done anything  17           else to offend you besides this?  18           A. Not that I can think of at this  19           time.  20           Q. And was he the Broadway critic for  21           the Washington -- for the -- sorry; New York  22           Post for the entire time that you were at The  23           New York Post?  24           A. There was an another theater  25           critic.</p>	<p style="text-align: right;">Page 219</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. But Mr. Riedel was there?  3           A. He was the main -- the main  4           Broadway theater critic.  5           Q. And you were there for seven years,  6           correct?  7           A. I was there from 2003 to 2009.  8           Q. And in all of that time, this is  9           the one thing that he did that offended you,  10           right?  11           A. Every time I saw him that's the --  12           these are the songs that he chose to sing to  13           me.  14           Q. But you never asked him to stop?  15           A. I would just steer him in a  16           different kind of conversation. What's up.  17           Tell me about what's happening on Broadway.  18           Q. Did you ever socialize with him  19           outside the workplace?  20           A. I don't remember, no.  21           Q. Did you ever go to Langan's with  22           him?  23           A. No, I never walked out and -- maybe  24           I was at Langan's and I was there, but I don't  25           remember.</p>
<p style="text-align: right;">Page 220</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. Did you ever do karaoke night at  3           Langan's?  4           A. I never did karaoke night at  5           Langan's, no.  6           Q. Did you ever sing with Mr. Riedel  7           at Langan's?  8           A. No.  9           Q. Where -- how far away was his  10           office -- from your office on the ninth floor  11           of The Post?  12           A. So, Mr. Riedel did not have an  13           office. He had a cubicle. So, I had an  14           office. And if I yelled at him to come to me  15           standing in my office, he probably would not  16           have been able to hear me. That's how far it  17           was. Or if he yelled at me to come to him or  18           asked me to come from his cubicle, I would not  19           be able to hear him.  20           Q. Did you have to pass him on your  21           way to the restroom?  22           A. No.  23           Q. Did he have to pass you on the way  24           to his restroom?  25           A. Yes.</p>	<p style="text-align: right;">Page 221</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. And did he sing -- your testimony  3           is that he sang every time he passed by your  4           office?  5           A. Most of the time he would peek in  6           and that was his favorite thing to say to me.  7           Instead of saying, hi, Sandra, how are you  8           today, he would sing the stupid song in a  9           stupid accent.  10           Q. And can you give us your best  11           estimate as to how many times he did that?  12           MR. THOMPSON: Objection.  13           A. I don't want to estimate, Mr.  14           Lerner. I think I don't want to be wrong.  15           But it was many, many times when he was in the  16           office and I was in the office and my door was  17           open.  18           Q. Well, was it more or less than a  19           dozen times?  20           A. I'm not going to give you a number.  21           Q. You cannot tell us that it was more  22           or less than a dozen?  23           A. I could tell you it was many, many  24           times.  25           Q. But it could be less than a dozen?</p>

<p style="text-align: right;">Page 222</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. No, I could tell you that it was  3           many, many times.  4           Q. You couldn't tell us if it was more  5           or less than a dozen?  6           A. Less than a dozen is not many  7           times. Many, many times.  8           Q. You said in 54 of the Amended  9           Complaint that a woman you later identified as  10           Ann --  11           MR. THOMPSON: Paragraph 54, page  12           12.  13           Q. Ms. Guzman, I have one more  14           question regarding Mr. Ridell.  15           A. Okay.  16           Q. Did you ever complain to human  17           resources about Mr. Ridell singing songs from  18           West Side Story to you?  19           A. I complained to Rick Ramirez about  20           this.  21           Q. Rick Ramirez is not near post HR?  22           A. Rick Ramirez is a lawyer for News  23           Corp. and he works in the diversity Counsel.  24           Q. Based in California?  25           A. And he would often call me and</p>	<p style="text-align: right;">Page 223</p> <p>1                   SANDRA GUZMAN-10/13/11  2           often visit.  3           Q. Based in California, right?  4           A. Yes.  5           Q. And did you ever tell Jennifer Jane  6           or Amy Shaldon, Linda Babicko or anybody else  7           in New York Post HR that you were offended by  8           Mr. Ridell singing this song?  9           A. When I met with Jennifer Jane in  10           February, it was my opportunity to tell her  11           about many different incidents, and I believe  12           I mentioned that incident to her.  13           Q. Prior to the publication of the  14           cartoon, did you ever tell anybody about it,  15           anybody from HR?  16           A. No, but I told this lawyer who  17           worked for News Corp.  18           Q. Did you ask him to follow-up about  19           it?  20           A. I told him. I didn't ask him. You  21           keep showing me these News Corp. employment  22           rules. It says that you have to report it.  23           Does it say that I have to ask them to report  24           it? Does it say that I have to ask them to  25           report it or just to notify?</p>
<p style="text-align: right;">Page 224</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. Ms. Guzman, I'm not here to answer  3           any questions from you.  4           A. Oh, okay. Okay.  5           Q. You just need to answer the  6           questions that are put to you?  7           A. Okay, okay.  8           Q. Did you ever put anything about  9           Mr. Ridell offending you in a written  10           complaint?  11           A. No.  12           Q. So, in 54 of the Amended Complaint,  13           you state that, "A woman asked you if scented  14           candles in your office were related to the  15           religion of Santeria, right?  16           A. Yes.  17           Q. That was Ann Aqualina?  18           A. Yes.  19           Q. Can you tell us who Ann Aqualina  20           is?  21           A. She is an editor at The New York  22           Post.  23           Q. And how old is Ms. Aqualina?  24           MR. THOMPSON: Objection.  25           A. I'm not really sure. She's maybe</p>	<p style="text-align: right;">Page 225</p> <p>1                   SANDRA GUZMAN-10/13/11  2           in her sixties. I'm not really sure.  3           Q. Do you practice in your personal  4           life elements of the religion of Santeria?  5           A. Elements of the Santeria? What do  6           you mean?  7           Q. Yes. You practice -- you engage in  8           practices that are related to the religion of  9           Santeria, correct?  10           A. I don't understand the question.  11           What are you --  12           Q. Do you practice the religion,  13           Santeria?  14           A. I do not practice the religion.  15           I'm not an initiate of Santeria.  16           Q. But do you have some practices that  17           derive from that religion?  18           A. Do I have some practices? I'm not  19           really sure what you're asking me. Am I a  20           practitioner of Santeria, no.  21           Q. My question was, and I can read it  22           back, do you have some practices that derive  23           from that religion?  24           MR. THOMPSON: Objection.  25           A. I have different practices and</p>

<p style="text-align: right;">Page 226</p> <p>1                   SANDRA GUZMAN-10/13/11  2 that's one of them.  3                   Q. Santería was your religion in early  4 childhood, right?  5                   A. No.  6                   Q. Well, did you write in The Latina  7 Bible that Santería was your religion in your  8 early childhood?  9                   A. Catholicism was my grandmother --  10 practiced it.  11                   Q. Well, your grandmother practiced  12 Santería?  13                   A. Um-hum.  14                   MR. THOMPSON: You have to answer  15 verbally.  16                   A. Yes, yes.  17                   Q. Did you write, "my emerging faith  18 also brought me back to the African roots of  19 my early childhood religion, Santería, and  20 Espiritismo?  21                   A. Yes, I wrote that.  22                   Q. So, Santería is one of your early  23 childhood religions?  24                   A. It brought me back to it, but that  25 doesn't mean that I practiced it.</p>	<p style="text-align: right;">Page 227</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   Q. Well, the question was what you --  3 whether it was part of your early childhood?  4                   A. Yes.  5                   Q. And have you written that your  6 lifestyle reflects a culmination of old world  7 beliefs and new American ways and that you  8 light candles to your Santos and Virginsitas?  9                   A. Yes.  10                   Q. And that you have a spiritual  11 practice that borrows from Santería?  12                   A. Yes.  13                   Q. When did the conversation with  14 Ms. Aqualina you referred to in the Complaint  15 occur?  16                   A. I don't remember the exact date.  17                   Q. Do you remember the year?  18                   A. I'm not really sure.  19                   Q. Was anyone else present?  20                   A. She was walking by my office.  21                   Q. What did she say?  22                   A. I had lit a candle, a scented  23 candle because the office was smelly and she  24 peered in she said, oh, is that a Santería  25 candle. Is that voodoo.</p>
<p style="text-align: right;">Page 228</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   Kind of, like, again, making fun of  3 a scented candle that was lit in the office to  4 make the office smell better. She equated it  5 to something mysterious and kind of, like,  6 weird.  7                   Q. And your testimony is that you  8 thought she was making fun of you?  9                   A. I thought she was making fun of a  10 religion, a legitimate religion.  11                   Q. Was she making fun of you?  12                   A. And I felt she was making fun of me  13 because I had lit the candle and it was in my  14 office.  15                   Q. You think she meant to say  16 something that disturbed you or do you think  17 she meant it innocently?  18                   A. I don't think she meant to law it,  19 to celebrate it. I she meant it to make fun  20 of me.  21                   Q. In your Complaint, paragraph 54,  22 you write that a high ranking white editor  23 falsely accused you of engaging in Santería, a  24 term intended to demean certain Hispanic and  25 African religions by suggesting that her</p>	<p style="text-align: right;">Page 229</p> <p>1                   SANDRA GUZMAN-10/13/11  2 scented candles represented witchcraft and  3 voodoo.  4                   Do you see that?  5                   A. I see it.  6                   Q. Do you believe that this term  7 "Santería" itself is intended to demean  8 certain Hispanic and African religion?  9                   A. It depends what context it's used,  10 but, yes.  11                   Q. Do you have reason to believe that  12 Ms. Aqualina used the word "Santería" to  13 demean the Hispanic and African religion?  14                   A. If she -- the way she said it and  15 if she equates it with voodoo, yes.  16                   Q. Well, you didn't quote her in the  17 Complaint as referring to voodoo, did you?  18                   A. It's not in the Complaint.  19                   Q. Ms. Guzman, is it common to see  20 employees at The New York Post burn candles in  21 their office?  22                   A. Common? What do you mean by  23 "common"?  24                   Q. Well, I mean when you walk around  25 an office, you know, an office situation,</p>

<p style="text-align: right;">Page 230</p> <p>1                   SANDRA GUZMAN-10/13/11  2 typically, do you see people burning candles  3 in their offices?  4                   A. Some in the features department did  5 on the ninth floor.  6                   Q. Did you think it was appropriate to  7 light a candle in your office?  8                   A. Yes. A scented candle, yes.  9                   Q. Was Ms. Aquilina aware that you  10 practiced Santerfa?  11                   MR. THOMPSON: Objection.  12                   A. I don't know.  13                   Q. Did you ask her what she meant by  14 her comment?  15                   A. No.  16                   Q. Did you tell her you were offended  17 by it?  18                   A. No.  19                   Q. Did it ever happen again?  20                   A. No.  21                   Q. Did you complain to anybody about  22 it when it happened?  23                   A. This is part of the patterns that I  24 kept seeing coming up in my experience in the  25 environment at The Post. Yes, I did.</p>	<p style="text-align: right;">Page 231</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   Q. Who did you complain to?  3                   A. I mention I complained about the  4 incident to Rick, to Mitsy, actually, Wilson  5 and several other people.  6                   Q. You specifically mentioned  7 Ms. Aquilina in your conversations with Rick  8 and Mitsy?  9                   A. Yes.  10                   Q. And did you tell them that you  11 thought this was some sort of harassment?  12                   A. I thought it was discriminatory  13 because --  14                   Q. No, no, no. My question is: Did  15 you tell them that you thought that it was  16 harassment?  17                   A. Yes.  18                   Q. Did they agree with you? Did they  19 react?  20                   MR. THOMPSON: Objection.  21                   A. They seemed to at the time.  22                   Q. Did you ever complain in writing  23 about it?  24                   A. No.  25                   Q. Did you take any notes about it?</p>
<p style="text-align: right;">Page 232</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. I don't remember taking notes about  3 it.  4                   Q. Did you ever take any notes about  5 your complaint about Michael Riedel and West  6 Side Story?  7                   A. I don't remember, no.  8                   Q. You testified that a female editor  9 referred to Henry Louis Gates as an angry  10 black man in the office; do you recall that?  11                   A. What paragraph is that?  12                   Q. I don't know, but do you recall  13 making that allegation?  14                   A. Oh, yes.  15                   Q. Were you present for her statement?  16                   A. I was not.  17                   Q. Did you hear any part of the  18 statement?  19                   A. No.  20                   Q. Did somebody tell you about it?  21                   A. Someone told me about it.  22                   Q. Who was that?  23                   A. Ebony Clark.  24                   Q. Have you ever worked with  25 Ms. Ramsby?</p>	<p style="text-align: right;">Page 233</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. No.  3                   Q. Do you know her position at The  4 Post?  5                   A. She was the Sunday editor at the  6 time where I worked. And I believe she was  7 promoted to -- I don't know the exact title,  8 but to work in The Daily News paper.  9                   Q. Have you ever spoken to her about  10 Henry Louis Gates?  11                   A. No.  12                   Q. Have you ever spoken to her about  13 race?  14                   A. No.  15                   Q. Has she ever called you a racial  16 name?  17                   A. No.  18                   Q. Have you ever filed any complaints  19 about her?  20                   A. No.  21                   Q. Are you aware of anybody else  22 complaining about Ms. Ramsby?  23                   A. I'm sorry, I didn't hear the  24 question.  25                   Q. Are you aware of anybody else</p>

<p style="text-align: right;">Page 238</p> <p>1                   SANDRA GUZMAN-10/13/11  2 45 of your Amended Complaint?  3           A. Page 1045?  4           Q. Paragraph 45.  5            MR. THOMPSON: Page 10.  6           A. Okay.  7           Q. In the second sentence there's an  8 incident described in paragraph 45 about a  9 white male editor who propositions a copy  10 system, right?  11          A. Yes.  12          Q. Do you have any personal knowledge  13 about that incident?  14          A. Can you define personal knowledge  15 again.  16          Q. You were not present --  17          A. I was not present.  18          Q. -- for that incident, right?  19          Did you ever speak to the white  20 male senior editor referred to in this  21 paragraph about it?  22          A. No.  23          Q. Did you ever speak to the copy  24 assistant that's referred to in this paragraph  25 about it?</p>	<p style="text-align: right;">Page 239</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. No.  3           Q. Did you ever speak to anybody in HR  4 about it?  5           A. No.  6           Q. Where does your information and  7 belief about this come from?  8           A. The day after it happened, it  9 spread like wildfire. The day after Paul  10 McCollum told Jennifer Winter, if you give me  11 a blowjob, I will give you a permanent  12 reporter job, she told a bunch of people and  13 the news spread like wildfire. I heard it  14 from various people in the news room.  15          Q. Did you ever bring it to the  16 attention of HR?  17          A. It was one of the incidents.  18          Q. Yes or no?  19          A. Yes.  20          Q. When did you do that?  21          A. In February.  22          Q. Of what year?  23          A. 2009.  24          Q. When did the incident occur?  25          A. I don't remember right now what</p>
<p style="text-align: right;">Page 240</p> <p>1                   SANDRA GUZMAN-10/13/11  2 year.  3           Q. So, it was in a prior year?  4           A. I don't remember what year.  5           Q. Well, you didn't bring it to the  6 attention of HR when you learned about it,  7 right?  8          A. No.  9          Q. So, do you have any personal  10 knowledge regarding why Poochie Meir was  11 terminated?  12          MR. THOMPSON: Objection.  13          A. Poochie Meir told me that she felt  14 that Col Allan was discriminating against her  15 because she was an old woman and that he  16 didn't like working with women. Poochie Meir  17 told me that.  18          Q. What was Poochie Myers' job at The  19 Post?  20          A. At the time, she was travel editor.  21          Q. And did you and she ever work  22 together?  23          A. Our years are coincided by a couple  24 of months. She left.  25          Q. Shortly after you left The Post?</p>	<p style="text-align: right;">Page 241</p> <p>1                   SANDRA GUZMAN-10/13/11  2           A. Shortly after, yes.  3           Q. In 2003?  4           A. Yes.  5           Q. So, you don't have any personal  6 knowledge regarding her relationship with  7 Col Allan, do you, other than what she told  8 you?  9          A. I wasn't present when -- no.  10         Q. And do you know if she was fired or  11 left voluntarily?  12         A. I don't know the facts. I know  13 what she told me.  14         Q. Do you know what, if any,  15 complaints she lodged at The Post?  16         A. What I know is that during a  17 regular staff meeting, Mr. Allan was not happy  18 with the list of news items that she had  19 offered and referring to her said, you know,  20 you can't teach an old bitch new tricks. And  21 she felt that that was directly directed at  22 her.  23         Q. When you say, "I know what I know,"  24 what you mean is Ms. Meir told you?  25         A. What Ms. Meir told me, yes. I</p>

<p style="text-align: right;">Page 270</p> <p>1                   SANDRA GUZMAN-10/13/11  2 discussion was held.)  3                   THE VIDEOGRAPHER: The time is  4                   5:52 p.m. We're back on the record.  5                   BY MR. LERNER:  6                   Q. Ms. Guzman, we just took a short  7 break. Are you ready to proceed?  8                   A. Yes.  9                   Q. Ms. Guzman, I'm going to ask you  10 this question again and ask you to answer it.  11 Is it your view that there are two types of  12 Latinos, those you sleep with and that's all  13 you do, and those you want to sleep with and  14 talk to after you slept with them, men you  15 want to keep around, los medos medos. Is that  16 your view?  17                   A. Yes.  18                   Q. And you believe that -- is that  19 true of all men or just Latino men?  20                   A. I was referring to Latinos in that  21 section.  22                   Q. So, basically Latino men -- you  23 want to sleep with all Latino men, there's  24 just those that you don't want to talk to and  25 those that you do want to talk to; is that</p>	<p style="text-align: right;">Page 271</p> <p>1                   SANDRA GUZMAN-10/13/11  2 correct?  3                   MR. THOMPSON: Objection.  4                   Q. Is that your view?  5                   A. No.  6                   Q. Well, you said there's two types of  7 Latinos, those that you sleep with and that's  8 all you do, and those you sleep with and want  9 to talk to after you sleep with them. Those  10 are the two types you wrote about.  11                   A. Right. You asked when -- if I want  12 to sleep with all Latino men. I was  13 answering, no, I don't.  14                   Q. This is an advice book?  15                   A. It's a self help book for Latinas.  16                   Q. And you gave -- and you're giving  17 this advice to other Latina women, right?  18                   A. Yes.  19                   Q. And you don't think that it's  20 sexist to refer to Latino men as those that  21 you sleep with and that's all you do, and  22 those you want to sleep with and talk to after  23 you've slept with them?  24                   A. No.  25                   Q. You don't think that's sexist?</p>
<p style="text-align: right;">Page 272</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   A. No.  3                   Q. You don't think that's offensive to  4 men?  5                   A. No.  6                   Q. You don't think it's offensive to  7 Latino men?  8                   A. No.  9                   Q. You don't think it's offensive to  10 men in general?  11                   A. No.  12                   Q. You don't think it's offensive to  13 Latina women?  14                   A. No.  15                   Q. What does the "chuleria" mean?  16                   A. Sweetness.  17                   Q. So, if you say if you feel for a  18 second that besides jumping his chuleria, hold  19 off and don't kick it on the first date.  20                   So when you say jump his chuleria,  21 does that mean have sex with him?  22                   A. Yes.  23                   Q. Would you consider it offensive if  24 a white woman said this; said what you said  25 about Latino men?</p>	<p style="text-align: right;">Page 273</p> <p>1                   SANDRA GUZMAN-10/13/11  2                   MR. THOMPSON: Objection.  3                   A. No.  4                   Q. So, if a white person said or white  5 woman said there's two types of Latinos, those  6 that you sleep with that's all you do and  7 those you sleep with and talk to them, you  8 would not find that to be racist?  9                   MR. THOMPSON: Objection.  10                   A. No.  11                   Q. But you believe it's racist or  12 sexist, rather, to have somebody tell you that  13 you're beautiful?  14                   A. I believe it's sexist for somebody  15 to lick his lips, look at me up and down and  16 every time he sees me all he wants to talk  17 about is not the work that I do, but how I  18 look and what I'm wearing and how sexy I look  19 in what I'm wearing, I believe it's sexist for  20 somebody to engage me in that kind of  21 conversation at work.  22                   Q. That's not what I asked you.  23                   A. Okay.  24                   Q. It's a yes or no question.  25                   MR. THOMPSON: She answered the</p>

<p style="text-align: right;">Page 282</p> <p>1       SANDRA GUZMAN-10/13/11  2       and laughing and I find it  3       disrespectful.  4       Q. Ms. Guzman, you're familiar with  5       Lanigan's, right?  6       A. I am.  7       Q. And you go to Lanigan's with  8       friends after work, right?  9       A. On occasion I did.  10      Q. And you were at Lanigan's one night  11     with Julie Frady, Mackenzie Dawson and Mandy  12     Sadmiller, when you, Mandy and Mackenzie, but  13     not Julie, became competitive about your  14     breast and nipples and then lifted up your  15     blouses in front of a mirror to compare and  16     show your breasts to one another?  17      A. We were in the bathroom and we were  18     washing our hands and it was Mandy and it was  19     me. Mackenzie was not there. And by the way,  20     Mandy is a comedian.  21      Q. Isn't it a fact that you were in a  22     conversation with them at the bar and there  23     was a discussion about breasts and that you --  24     the three of you went to the bathroom to  25     reveal yourself to one another and compare</p>	<p style="text-align: right;">Page 283</p> <p>1       SANDRA GUZMAN-10/13/11  2       your breasts and nipples?  3       A. Not the three of us.  4       Q. Do you consider that conduct  5       appropriate?  6       A. It was an exchange between two  7       colleagues and she's a comedian and it was --  8       she's a comedian. It's sort of the way I  9       communicated with Mandy.  10      Q. Did you claim to have the best  11     nipples in the group?  12      A. I claimed to. Maybe I did. I  13     don't remember.  14      Q. And Mackenzie -- if Mackenzie  15     recalls standing in front of the mirror  16     lifting up her shirt with you and Mandy and  17     the three of you having this contest, she's  18     lying?  19      A. I don't remember Mackenzie being  20     there.  21      Q. Could she have been there?  22      A. I could tell you she was at the  23     bar, but she wasn't in the bathroom.  24      Q. You recall she was at the bar, but  25     didn't go to the bathroom with you and Mandy?</p>
<p style="text-align: right;">Page 284</p> <p>1       SANDRA GUZMAN-10/13/11  2       A. Yes.  3       Q. Did you go to the bathroom with  4       Mandy to compare your breast and nipples?  5       A. No. Mandy is a sex health writer  6       and many of the conversations and jokes were  7       sexually suggestive.  8       Q. Did you tell male colleagues that  9       you worked with after you did it that you had  10      shown your breasts to one another?  11      A. No.  12      Q. When you came out of the bathroom  13      after comparing your breasts with Mandy, did  14      you tell anybody about what you had done?  15      A. No.  16      Q. So, other people that described  17      those conversations of your telling people  18      about it would be lying?  19      A. I don't know what they said. I  20      don't know what they revealed.  21      Q. Well, they revealed all the facts  22      that I'm asking questions about.  23      A. Can you tell me what they said?  24      Can you show me was there an Affidavit, a  25      document that I can read?</p>	<p style="text-align: right;">Page 285</p> <p>1       SANDRA GUZMAN-10/13/11  2       Q. Well, Ms. Guzman, we've established  3       that you stood in front of the mirror at a bar  4       after work with Mandy Sadmiller, a work  5       colleague, and bared your breasts.  6       MR. THOMPSON: Objection.  7       Q. With Ms. Sadmiller, right?  8       MR. THOMPSON: Objection.  9       Objection.  10      Q. Is that correct?  11      A. What is the question?  12      MR. THOMPSON: Objection.  13      Q. The question is: Well, Ms. Guzman  14      we've established that you stood in front of  15      the mirror at a bar after work with Mandy  16      Sadmiller, a work colleague, and bared your  17      breasts.  18      A. Not at the bar.  19      Q. Well, the bathroom in the bar.  20      A. In the bathroom.  21      Q. And this is the same bar where you  22      claim you were offended by seeing a picture of  23      a naked man on a Blackberry screen?  24      A. Shown by my boss, yes.  25      Q. And that was offensive to you, but</p>

<p style="text-align: right;">Page 286</p> <p>1                   SANDRA GUZMAN-10/13/11  2 standing in the bathroom and showing your  3 breasts to another person is not offensive?  4           A. To Mandy, my friend, no.  5           Q. What about to Mandy and Mackenzie?  6           A. Mackenzie was not there.  7           Q. What was the result of your  8 comparison of your breasts with Mandy?  9            MR. THOMPSON: Objection.  10          Q. Did you declare a winner?  11          A. What do you mean.  12          Q. Did you declare a winner?  13          MR. THOMPSON: Objection.  14          A. Did we declare a winner?  15          Q. Yes.  16          A. We each declared winners.  17          Q. You each claimed to be the winner?  18          A. Yes.  19          Q. You claimed to have the best  20 nipples and she claimed to have the best  21 nipples?  22          A. Yes.  23          Q. Do you enjoy -- Ms. Guzman, you  24 enjoy watching male strippers?  25          A. Not particularly, no.</p>	<p style="text-align: right;">Page 287</p> <p>1                   SANDRA GUZMAN-10/13/11  2           Q. Have you ever seen a male stripper  3 perform?  4           A. Yes.  5           Q. Have you ever seen a male stripper  6 named El Bistio or La Bistia perform?  7           A. Yes.  8           Q. He's a male stripper known for  9 his --  10          MR. THOMPSON: Say it.  11          Q. -- large endowment?  12          A. Yes.  13          Q. And have you discussed El Bistio  14 with a female colleague at work?  15          A. I actually reported on El Bistio at  16 work. It was a Page Six item.  17          Q. And did you tell -- did you tell a  18 female colleague that you have his phone  19 number if she wanted it?  20          A. I may have.  21          Q. Did you comfort Mandy Sadmiller  22 when she was breaking up with her boyfriend  23 Elisha that if all else fails, you have El  24 Bistio's business card?  25          A. I was trying to cheer up a</p>
<p style="text-align: right;">Page 288</p> <p>1                   SANDRA GUZMAN-10/13/11  2 colleague who was depressed because she was  3 having relationship problems, and she was  4 coming to me because she was feeling sad about  5 her relationship falling apart. So, it was a  6 metaphor for, you're going to be okay. You're  7 going to be okay.  8           Q. But you did say it?  9           A. Yes.  10          Q. And you've used foul language at  11 work, haven't you?  12          A. Foul language?  13          Q. Yes. Four letter words, the  14 F-word?  15          A. What else?  16          Q. Dick. D-I-C-K?  17          A. I may have.  18          Q. Didn't you tell one of your  19 colleagues that your husband says that you act  20 like your dick is bigger than his?  21          A. Mandy, again, is writing a story,  22 she's querying. I remember this. Mandy  23 writes about irreverent subjects. She writes  24 about sex and dating at The Post and she --  25          Q. It's a yes or no question.</p>	<p style="text-align: right;">Page 289</p> <p>1                   SANDRA GUZMAN-10/13/11  2 Ms. Guzman.  3           A. Yes, yes, yes.  4           Q. I'm going to show you Guzman  5 Exhibit 17, Bates number NYP '3838.  6           (Defendant's Guzman Exhibit 17,  7 document bearing Bates number NYP  8 '3838, marked for identification, as  9 of this date.)  10          Q. Have you had a chance to look at  11 it?  12          A. Yes.  13          Q. And did you write the e-mail on top  14 of this exhibit to Mandy Sadmiller saying, "I  15 think my husband would def say he married a  16 bitch, but not for attribution or publication.  17 He says that I act like my dick is bigger than  18 his."  19          MR. THOMPSON: Objection.  20          A. If you keep reading it says, "of  21 course it's all said in a very joking manner."  22          Q. And then it continues, "but I  23 understand his profound feeling about bitchy  24 ways"?  25          A. Yes.</p>

<p style="text-align: right;">Page 318</p> <p>1                   SANDRA GUZMAN-10/13/11    2 questions about this? Okay, there you go.    3                   MR. THOMPSON: It's part of the    4 exhibits.    5                   A. Can I have it? You're confusing    6 me.    7                   Q. What's your definition of sexual    8 harassment?    9                   A. My definition of sexual harassment    10 at the workplace, when I am depicted as a sex    11 object. When I am called sexy and when a man    12 rubs his penis against female employees,    13 touches them. When there's an environment    14 where women don't feel comfortable because    15 there's lewd and vulgar environment that keeps    16 her from working there without feeling like    17 she's being constantly humiliated, demeaned    18 because of her gender.    19                   Q. Ms. Guzman, do you know a man named    20 Steve Soldwedel?    21                   A. Yes.    22                   Q. Did you ever harass him?    23                   A. No.    24                   Q. I'm going to show you an e-mail    25 that he wrote to you. It's going to be Guzman</p>	<p style="text-align: right;">Page 319</p> <p>1                   SANDRA GUZMAN-10/13/11    2 Exhibit 22, NYP '1739.    3                   (Defendant's Guzman Exhibit 22,    4 document bearing Bates number NYP    5 '1739, marked for identification, as    6 of this date.)    7                   Q. And in this e-mail he wrote to you,    8 "Sandra, you may think sexual harassment is    9 something only men can do to women, but you    10 crossed the line twice today. You don't know    11 me nearly well enough to make aspersions about    12 my sexuality. You may find it funny, but I    13 finds it tasteless, rude and utterly    14 disrespectful. Particularly for you to make    15 your remarks in the company of others. Be    16 thankful I have the tact to hold my tongue.    17 You would not like to be on the receiving end    18 of what your comments inspired me to say. If    19 you continue to speak of me in such a base and    20 disgusting manner, I'll continue not to    21 retort, but this will be a matter for human    22 resources."    23                   Did you receive that e-mail from    24 him on or about October 31, '08?    25                   A. Yes.</p>
<p style="text-align: right;">Page 320</p> <p>1                   SANDRA GUZMAN-10/13/11    2                   Q. And what did you do to    3 Mr. Soldwedel that provoked him to respond to    4 you and write this e-mail?    5                   A. I was -- we were working on a story    6 about the new technology of DNA that allows    7 human beings to discover their heritage and he    8 was participating in the story. And there was    9 a photo shoot in Central Park with five other    10 people and I authorized a purchase of    11 magazine -- of T-shirts and I bought a    12 T-shirt. I guess this T-shirt that he wore    13 was two or three sizes extra large and    14 throughout the shoot, he kept complaining that    15 his T-shirt was big. And what I said to him    16 was, Steve, did you want a tighter T-shirt.    17 I'm sorry, did you want a tighter T-shirt.    18                   Q. That's it?    19                   A. That's it.    20                   Q. And he -- your testimony is that    21 that's what he -- provoked him to say you    22 crossed the line twice, you made aspersions    23 about his sexuality. That you were tasteless,    24 rude and disrespectful?    25                   A. That's right.</p>	<p style="text-align: right;">Page 321</p> <p>1                   SANDRA GUZMAN-10/13/11    2                   Q. And you wrote to him that you    3 regretted that anything you said to him was    4 felt as offensive to him, right?    5                   A. Yes, I was surprised. I was    6 shocked.    7                   Q. I'm going to show you Guzman    8 Exhibit 23, NYP '1670 and '1669. It's in    9 reversed Bates order.    10                   (Defendant's Guzman Exhibit 23,    11 document bearing Bates numbers '1669    12 through '170, marked for    13 identification, as of this date.)    14                   Q. I'm going to ask you a question    15 about the e-mail at the top of the page. You    16 can have a chance to look at it, but the    17 question I'm going to ask you is why did you    18 say it's clear from this picture that Steve is    19 black?    20                   A. We were doing a story about DNA and    21 heritage and race and this is like it's    22 obviously that he could be black. He's    23 obviously not black. We were trying to    24 discover people's heritage through the DNA.    25                   Q. And were you trying to be funny?</p>

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<p>1                   SANDRA GUZMAN-10/13/11  2 question because I'm not really understanding  3 what you're trying to ask me.  4           Q. If The Post hadn't published this  5 cartoon, would you have filed in lawsuit?  6           A. Yes.  7           Q. What would you base it on?  8           A. Sexism, retaliation. I complained  9 about sexism in the workplace and racism in  10 the workplace to HR, to members of the  11 management team.  12          The cartoon was one of the many  13 examples that I personally experienced while  14 working at The Post. Discriminatory  15 experiences that other colleagues have  16 experienced.  17          Q. Ms. Guzman, you plead in your  18 complaint that you -- that Rabinowitz and  19 Frank Vinny, called protesters that were  20 protesting the cartoon after it was published,  21 dumb. What is the basis of your assertion  22 that they said that?  23          A. Actually, Col Allan and Ebony Clark  24 was in his office, Col Allan's office.  25          Q. We already covered that.</p>	<p>1                   SANDRA GUZMAN-10/13/11  2           My question is how do you know what  3 Rabinowitz and Vinny said?  4           A. About the protestors?  5           Q. Yes. You didn't hear that  6 yourself, did you?  7           A. It was told to me.  8           Q. Who told you?  9           A. Ebony Clark.  10          Q. And you testified earlier that you  11 had a meeting with Jennifer Jane that day  12 about the cartoon, right?  13          A. Yes.  14          Q. It was on the day that the cartoon  15 was published, right?  16          A. I believe it was either the day or  17 the day after.  18          Q. And she came to your office,  19 correct?  20          A. Yes.  21          Q. You didn't call on her to come to  22 your office, right?  23          A. Jennifer Jane -- I was walking out  24 with a colleague and I bumped into her. And I  25 was talking and being very emotional. Maybe I</p>
<p>1                   SANDRA GUZMAN-10/13/11  2 had teary eyes and she looked at me and all of  3 all of us stopped talking. And later on, she  4 came into my office and said, can I talk to  5 you.  6          Q. And where did -- and what did you  7 say?  8          A. I said yes, please.  9          Q. And where did you guys sit?  10         A. In my office.  11         Q. On a desk, at a couch? What kind  12 of setting?  13         A. She sat on the couch, and I sat at  14 my chair.  15         Q. What did she say to you?  16         A. She wanted to talk to me about the  17 cartoon. What she says what -- tell me what  18 what's on your mind. Tell me what's going on.  19         Q. Was she compassionate?  20         A. She seemed compassionate. She said  21 she said I saw you -- I saw you walking and  22 you stopped talking and I was approaching. I  23 want you to feel comfortable to talk to me.  24         Q. And how long was your conversation  25 with her?</p>	<p>1                   SANDRA GUZMAN-10/13/11  2           A. It lasted about 45 minutes. It was  3 the first time that I felt that I could unload  4 myself to somebody from HR about all of the  5 racism that I had experienced and the sexism.  6 And how I felt about the monkey cartoon was  7 not just racist to me, but to other employees  8 of color, and in the newsroom. And how it  9 displayed these are the people who approved  10 the cartoon. These are the people who  11 approved the publication of the cartoon.  12          So, to me, I was explaining to her  13 how I felt. That this was a very vivid  14 example of the mindset of the racism of the  15 people who ran this newspaper.  16          Q. And during this meeting, did you --  17 what did you expect would be -- withdrawn.  18          Did you ask Ms. Jane to do anything  19 in particular?  20         A. I asked her to -- I asked her for a  21 number of things. I asked her to conduct  22 workshop trainings on sexual harassment and  23 racism. I asked her to take a look at our  24 recruitment efforts to hire more women and  25 people of color in positions -- in editorial</p>

<p style="text-align: right;">Page 334</p> <p>1           SANDRA GUZMAN-10/13/11    2 making positions.    3           I asked her to please encourage the    4 editors to apologize to the employees of color    5 and other people who were offended by the    6 racist cartoon. To have an internal apology    7 and an external apology to the readers.    8           I asked her, you know, if I would    9 be retaliated against if I responded to the    10 hundreds and hundreds of letters that I was    11 receiving from people protesting the cartoon    12 and calling me racist.    13           In fact, I wrote a complaint that I    14 e-mailed to the people who were sending me and    15 accusing me of being racist because I    16 published this cartoon. I said, Jen, is this    17 going to get me fired? And she said you have    18 the right to -- to express yourself.    19           And several months later, I was let    20 go for complaining. So I told her many    21 things.    22           Q. Several months later you were let    23 go when Tempo was closed, right?    24           MR. THOMPSON: Objection. She    25 wasn't finished with her answer.</p>	<p style="text-align: right;">Page 335</p> <p>1           SANDRA GUZMAN-10/13/11    2 Mr. Lerner, again, you must let the    3 witness finish her answer.    4           Were you finished, Ms. Guzman?    5           A. So I told her many things during    6 that meeting. Many, many things. It was my    7 moment to -- I couldn't take it anymore. That    8 cartoon was the most painful example, come to    9 life, to what I was experiencing at The Post,    10 what other of my colleagues of color were    11 experiencing at The Post.    12           Q. Ms. Guzman, I asked you what you    13 asked her to do, and you've covered that.    14           A. Okay.    15           Q. On the day that the cartoon was    16 published -- withdrawn.    17           Did you put an automatic reply    18 message on your e-mail to respond to people    19 who sent you e-mails that day?    20           A. I kept -- every time I would    21 receive an e-mail, I kept sending the same    22 e-mail. And what I remember doing was copy    23 and pasting the same response and I received    24 e-mails throughout the day and throughout the    25 following weeks.</p>
<p style="text-align: right;">Page 336</p> <p>1           SANDRA GUZMAN-10/13/11    2           Q. So, it wasn't automatic, it was    3 just similar responses that you manually sent    4 to everybody?    5           A. Yes.    6           Q. Did you tell Jesse Angelo that the    7 e-mail that you were sending out was actually    8 an automated response?    9           A. Jesse Angelo called to yell at me    10 and he asked me to take him off the e-mails.    11 He didn't want to receive them anymore.    12           Q. You included him as a cc?    13           A. He was included in the cc, yes.    14           Q. And did you tell him that it was an    15 automatic response?    16           A. I guess that one was. Must have    17 been that one.    18           Q. You just testified your responses    19 were manual, didn't you?    20           A. I just testified correctly that    21 some of these were automatic and some of these    22 not. This was a series of e-mails for many    23 days that followed -- many days that followed.    24           Q. Well, I asked you: "So, it wasn't    25 automatic, it was just similar responses that</p>	<p style="text-align: right;">Page 337</p> <p>1           SANDRA GUZMAN-10/13/11    2 you manually sent to everybody?    3           "ANSWER: Yes."    4           A. So, I want to clarify my answer.    5 Some of it was automatic and some of it was    6 manual.    7           (Defendant's Guzman Exhibit 24,    8 document bearing Bates number NYP    9 '1819, marked for identification, as    10 of this date.)    11           Q. Ms. Guzman, Exhibit 24, NYP '1819    12 has you telling Jesse Angelo --    13           MR. THOMPSON: Could you give us a    14 copy? You're giving it to the witness    15 without us seeing it. Thank you.    16           Q. You told him it's automatic, right?    17 So, you lied to Jesse?    18           A. I did not lie to Jesse.    19           Q. So, you're changing your testimony    20 that they weren't automatic?    21           A. I'm clarifying my testimony. Some    22 of the responses were automatic and some were    23 not. Jesse Angelo called and berated me for    24 receiving my complaints.    25           Q. Well, he was receiving the exact</p>